



**FYs 2024-2029 Proposed  
Five-Year Agency Plan  
Public Comment Period  
December 22, 2023 -  
February 5, 2024**



<b>5-Year PHA Plan (for All PHAs)</b>	<b>U.S. Department of Housing and Urban Development Office of Public and Indian Housing</b>	<b>OMB No. 2577-0226 Expires: 03/31/2024</b>
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**Purpose.** The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

**Applicability.** The **Form HUD-50075-5Y** is to be completed once every 5 PHA fiscal years by all PHAs.

A.	PHA Information.
A.1	<p>PHA Name: <u>Los Angeles County Development Authority</u> PHA Code: <u>CA002</u></p> <p>PHA Plan for Fiscal Year Beginning: (MM/YYYY): <u>07/2024</u>  The Five-Year Period of the Plan (i.e. 2019-2023): <u>2024-2029</u>  PHA Plan Submission Type: <input checked="" type="checkbox"/> 5-Year Plan Submission <input type="checkbox"/> Revised 5-Year Plan Submission</p> <p><b>Availability of Information.</b> In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information on the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official websites. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.</p> <p style="text-align: center;"><b>All information pertaining to the Annual Public Housing Agency (PHA) Plan is located online at:</b>  <a href="https://www.lacda.org/section-8/shared-info/public-documents">https://www.lacda.org/section-8/shared-info/public-documents</a>. Hard copies are also available at the following locations:</p> <ul style="list-style-type: none"> <li>• LACDA (main office): 700 W Main St. Alhambra, CA 91801</li> <li>• LACDA (satellite office): 2323 E. Palmdale Blvd., Suite B, Palmdale, CA 93550</li> <li>• Nueva Maravilla Housing Development, 4919 Cesar E. Chavez Avenue, Los Angeles, CA 90022</li> <li>• Francisquito Villa Housing Development, 14622 Francisquito Avenue, La Puente, CA 91746</li> <li>• Century Wilton Housing Development, 10025 Wilton Place, Los Angeles, CA 90047</li> <li>• South Scattered Sites Management Office, 12721 Central Avenue, Los Angeles, CA 90059</li> <li>• South Bay Gardens Housing Development, 230 East 130th Street, Los Angeles, CA 90061</li> <li>• Marina Manor Housing Development, 3405 Via Dolce, Marina del Rey, CA 93933</li> <li>• Kings Road Housing Development, 800 N Kings Roads, West Hollywood, CA 90069</li> <li>• Ocean Park Housing Development, 175 Ocean Park Blvd., Santa Monica, CA 90405</li> <li>• Carmelitos Housing Development, 1000 Via Wanda, Long Beach</li> <li>• Harbor Hills Housing Development, 26607 South Western Avenue, Lomita</li> <li>• South Whittier Community Resource Center, 10750 Laurel Avenue, Whittier</li> <li>• Foothill Villa, 2423 Foothill Boulevard, La Crescenta</li> <li>• Orchard Arms, 23410 Wiley Canyon Road, Valencia</li> </ul>

	<input type="checkbox"/> PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below.)					
	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program	
					PH	HCV
	Lead PHA:					
<b>B.</b>	<b>Plan Elements.</b> Required for <u>all</u> PHAs completing this form.					
<b>B.1</b>	<p><b>Mission.</b> State the PHA’s mission for serving the needs of low-income, very low-income, and extremely low-income families in the PHA’s jurisdiction for the next five years.</p> <p><b>We Build Better Lives and Better Neighborhoods.</b></p>					

<p><b>B.2</b></p>	<p><b>Goals and Objectives.</b> Identify the PHA’s quantifiable goals and objectives that will enable the PHA to serve the needs of low-income, very low-income, and extremely low-income families for the next five years.</p> <p><b>1. IMPROVE THE AVAILABILITY AND QUALITY OF LACDA HOUSING</b></p> <p>Objectives:</p> <ul style="list-style-type: none"> <li>• Explore ways to increase housing opportunities for target populations (i.e., chronically homeless, special needs families, transition-aged youth).</li> <li>• Reposition the Public Housing portfolio utilizing Rental Assistance Demonstration (RAD) strategies to generate long-term viability and revenue to create a more stable and sustainable platform.</li> <li>• Increase the number of Public Housing units with accessibility features to address increased demand.</li> <li>• Explore ways to reduce the carbon footprint in Public Housing and keep energy costs low for Public Housing residents.</li> <li>• Expand the supply and provide opportunities for assisted and affordable housing through the use of project-based vouchers and the acquisition of multi-family properties.</li> <li>• Upgrade video surveillance systems to enhance safety and security measures within Public Housing developments.</li> </ul> <p><b>2. PROMOTE SELF-SUFFICIENCY AND PROVIDE SUPPORTIVE SERVICES</b></p> <p>Objectives:</p> <ul style="list-style-type: none"> <li>• Maximize the number of participants in self-sufficiency programs to develop employment potential and boost quality of life.</li> <li>• Explore partnerships with community-based organizations to develop innovative programming and strategies to provide families with opportunities to improve quality-of-life through socioeconomic, educational, and health services.</li> </ul> <p><b>3. ADDRESS HOMELESSNESS IN LOS ANGELES COUNTY</b></p> <p>Objectives:</p> <ul style="list-style-type: none"> <li>• Pioneer county-wide roadmaps that carve out pathways for the implementation of unconventional and unprecedented strategies to address homelessness.</li> <li>• Coordinate with other county agencies and community-based organizations to prevent, connect, house, and stabilize unsheltered populations.</li> </ul> <p><b>4. IDENTIFY AND UTILIZE TECHNOLOGY TO ENHANCE OPERATIONAL EFFECTIVENESS AND EFFICIENCY IN THE DELIVERY OF HOUSING ASSISTANCE SERVICES</b></p> <p>Objectives:</p> <ul style="list-style-type: none"> <li>• Provide access to online services through the Yardi’s Rent Café portal.</li> <li>• Enrich customer service experience through assistive technological systems such as interactive lobby kiosks.</li> <li>• Collaborate with Public Housing Agencies and county partners to implement innovative programmatic and technological practices.</li> <li>• Explore methods to bridge the digital divide gap to promote and provide digital equity to assisted families.</li> </ul>
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**B.3**

**Progress Report.** Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.

**1. IMPROVE THE AVAILABILITY AND QUALITY OF LACDA HOUSING OBJECTIVES:**

- **EXPLORE WAYS TO INCREASE HOUSING OPPORTUNITIES FOR TARGET POPULATIONS (I.E. CHRONICALLY HOMELESS, SPECIAL NEEDS FAMILIES, TRANSITION AGED YOUTH)**

In December 2020, the LACDA received an additional 500 VASH Program vouchers from the U.S. Department of Housing and Urban Development (HUD). More recently, in December 2022, the LACDA received an additional 250 VASH Program vouchers. VASH Program vouchers are used to house veterans experiencing homelessness in Los Angeles County. In 2022, the LACDA applied for and received new voucher allocations for multiple tenant-based assistance programs. The LACDA received 73 Family Unification Program (FUP) vouchers for the Foster Youth to Independence (FYI) Initiative to assist foster youth aging out of the foster system. In August 2022, the LACDA applied for and received 66 additional FYI vouchers.

On June 5, 2023, the LACDA received 288 Stability Vouchers that will be paired with Continuum of Care supportive services funded by HUD's Office of Community Planning and Development.

In October 2022, the LACDA was awarded an allocation of 223 Housing Choice Vouchers (HCVs). In August 2023, the LACDA was awarded a new allocation of 169 Housing Choice Vouchers. These new vouchers will be used to house eligible families from the Housing Choice Voucher program waiting list. With these new HCV allocations, the LACDA received a single start-up fee of \$750 per HCV allocated.

- **CONTINUE TO PRESERVE AND MAINTAIN PUBLIC HOUSING AND AFFORDABLE HOUSING PORTFOLIOS**

The LACDA is planning to convert up to 600 additional tenant-based vouchers to project-based vouchers (PBVs) through Notice of Funding Availability (NOFA) 30. The LACDA is finalizing awards for up to 300 additional PBVs through NOFA 29. 100% of these projects are dedicated to housing the homeless, with subpopulations consisting of persons with a disability, veterans, seniors, survivors of Human Trafficking, and Transitional Aged Youth. Converting tenant-based vouchers to PBVs is necessary to increase the stock of affordable housing for special needs populations who face increasing barriers trying to find housing in the area's private rental market.

During FY 2020-2021, the LACDA had 1,607 PBVs across 44 properties. The LACDA increased its total number of PBVs to 1,830 across 51 properties in FY 2021-2022. Lastly, in FY 2022-2023, the LACDA administered 2,154 PBVs across 57 properties. 477 of these PBVs were committed in CY 2022 through NOFA 27 and outside of the NOFA by way of a previous competition that allows the LACDA to issue PBVs in accordance with 24 CFR 983.51.

The LACDA currently administers 2,216 Project-Based Vouchers (PBV) across 58 properties. The LACDA has 2,576 additional PBVs in the pipeline across 53 projects which are expected to become operational over the next 3 years.

The LACDA is in the process of analyzing options for converting Public Housing to Rental Assistance Demonstration (RAD) in order to leverage assets to maintain sites. Currently, the LACDA is reviewing the RAD conversion at a site-based level and preparing to meet with residents for the proposed RAD conversion. Applications for RAD will be submitted to HUD in FY 2023-2024.

- **CONTINUE PUBLIC HOUSING SECURITY IMPROVEMENTS**  
Since January 2020, the LACDA has upgraded the Carmelitos and Harbor Hills housing developments from NUUO digital systems to Exacqvision systems. The LACDA also installed integrated viewing software for all three large LACDA housing developments.
- **PURSUE MOVING TO WORK DESIGNATION**  
Currently, the LACDA is not eligible for the Moving To Work (MTW) designation. MTW was authorized by Congress in 1996 with three statutory goals: achieve greater cost-effectiveness; promote economic self-sufficiency; and, increase housing choices for low-income families. The "Consolidated Appropriations Act, 2016" allowed for the expansion of the current 39 MTW agencies by an additional 100 agencies but the number of large housing agencies that could be granted MTW status was limited, excluding the LACDA from applying for consideration. The LACDA will continue to advocate for MTW eligibility.

## 2. PROMOTE SELF-SUFFICIENCY AND PROVIDE SUPPORTIVE SERVICES OBJECTIVES:

- **INCREASE THE NUMBER AND PERCENTAGE OF EMPLOYED PERSONS**

The LACDA regularly promotes its Family Self-Sufficiency (FSS) Program to encourage families to pursue goals of increased education, training, and employability. These goals lead to increased employment among our program participants.

During FY 2021-2022, the FSS program provided an estimated 17,415 job referrals/resources. In addition, an estimated 7,506 job fairs and/or work-source-related referrals were provided to HCV and Public Housing participants. During FY 2021-2022, an average of 54% of HCV and 62% of Public Housing participants remained employed during their participation in the FSS program.

During FY 2022-2023, the FSS program provided an estimated 8,432 job referrals/resources. In addition, an estimated 7,506 job fairs and/or work-source-related referrals were provided to HCV and Public Housing participants. During FY 2022-2023, an average of 56% of HCV and 67% of Public Housing participants remained employed during their participation in the FSS program.

The LACDA was awarded the Jobs Plus Program grant for the Carmelitos Public Housing development located in Long Beach, CA. The Jobs Plus program supports work readiness and connects public housing residents with employment, education, and financial empowerment services, and an evidence-based model proven to help public housing residents find and keep jobs. Currently, there are 72 residents enrolled in Jobs Plus case management services and 159 are enrolled in the JPEID rent benefit.

On February 21, 2017, the Los Angeles County Board of Supervisors adopted a motion that directed the LACDA and the Workforce Development, Aging and Community Services (WDACS) to develop a plan to expand employment opportunities for public housing residents. The LACDA's efforts have resulted in eleven (11) public housing residents hired by its service-related vendors or construction contractors, 66 new family enrollees in its Family Self-Sufficiency economic independence program, and 208 residents signed up for a work-ready database that facilitates matching to available job opportunities.

- **PROVIDE SUPPORTIVE SERVICES TO IMPROVE RECIPIENTS' QUALITY OF LIFE AND EMPLOYABILITY.**

During FY 2021-2022, the LACDA experienced some success in improving outcomes for FSS participants. Even during a global pandemic, the LACDA was able to graduate 30 FSS participants, with an average escrow account disbursement of \$12,191.66. The LACDA's operations during the COVID-19 pandemic required the LACDA's FSS program to temporarily suspend person-to-person interactions with FSS participants. This led the LACDA's FSS coordinators to work more electronically, via email and other electronic means, with FSS participants to provide the supportive services needed to improve FSS program success. FSS coordinators have conducted much of their client contact over the phone. The combination of email and phone correspondence has sustained the LACDA's FSS Program operations during the COVID-19 pandemic. As a result, for FY 2021-2022, the LACDA'S FSS program participants amassed a total escrow account balance of \$365,749.89.

During FY 2022-2023, the LACDA graduated 18 FSS participants, with an average escrow account disbursement of \$16,223. For FY 2022-2023, the LACDA'S FSS program participants have amassed a total escrow account balance of \$1,483,513.85.

- **INCREASE THE NUMBER OF PARTICIPANTS IN THE FAMILY SELF-SUFFICIENCY PROGRAM**

The LACDA FSS Program generates a series of One Call Now Recruitment phone calls to all Housing Choice Voucher (HCV) participants. An FSS Program recruitment flyer is mailed out to all HCV participants as part of the annual re-examination packet. In FY 2022-2023, 58 new participants enrolled in the FSS program (57 HCV and 1 Public Housing). The FY 2023-2024 saw an increase in enrollment with 96 new participants enrolled in the FSS program (84 HCV and 12 Public Housing).

- **PROVIDE SERVICES TO INCREASE INDEPENDENCE FOR ELDERLY OR FAMILIES WITH DISABILITIES**

The LACDA partnered with the Los Angeles County Health Agency, via a Memorandum of Understanding (MOU) effective March 11, 2020, to receive referrals and supportive services for its Mainstream voucher-assisted

families. The Health Agency combines the Los Angeles County Departments of Mental Health, Health Services, and Public Health agencies. Via the MOU, the Health Agency, when necessary, will coordinate with local service providers who have the training, experience, and qualifications to provide supportive services for non-elderly families with disabilities. The Health Agency will continue to make available Intensive Care Management Services to each housed client, which assist the families with keeping current with their rent and bills in order to keep the family from returning to homelessness.

The Libertana Assisted Living Waiver Program continues to operate in 3 housing development locations - Orchard Arms, Lancaster Homes, and South Bay Gardens. There is a total enrollment of 42 older adult participants, receiving 24-hour services. Services include identification of home health assistance, transportation services, health and wellness education, and social/cultural activities. Libertana is a valued partner these services serve as a cost-avoidance of over 2 million dollars for the LACDA.

- **PARTNER WITH COMMUNITY-BASED ORGANIZATIONS TO PROVIDE EDUCATIONAL, PREVENTION, AND INTERVENTION ACTIVITIES**

The LACDA partnerships are the key to enhancing services for residents. The LACDA focuses on partners in the faith-based community, educational institutions, local businesses, Los Angeles County Departments such as the Department of Mental Health and the County Library, and non-profit agencies. The LACDA's partnerships with the YMCA and Boys and Girls Club, showcase enriched after-school programs at both Carmelitos and Harbor Hills. These services include the Arts, Academics, and Athletics. The LACDA currently collaborates with over 30 partners who support our mission which includes most recent partnerships with ELA Rising, Thillery Group, and New World.

### 3. REDUCE HOMELESSNESS IN LOS ANGELES COUNTY OBJECTIVES:

- **CONTINUE TO STRENGTHEN AND DEVELOP MEASURES THAT ARE IN LINE WITH THE LOS ANGELES COUNTY BOARD OF SUPERVISORS HOMELESS INITIATIVES PLAN AND MEASURE H ACTIVITIES.**

As a response to the COVID-19 pandemic, on May 10, 2021, the LACDA was selected by HUD to receive an allocation of 1,964 Emergency Housing Vouchers (EHV), through funding authorized by the American Rescue Plan Act of 2021. These EHV's were made available beginning July 1, 2021, for families and persons who are homeless or at risk of homelessness. As is the current practice with the Section 8 program, the referrals were required to be fulfilled through the Los Angeles County Coordinated Entry System, which is managed by the Los Angeles Homeless Services Authority. Vouchers allocated for the EHV Program are used to provide rental assistance to families experiencing homelessness, at risk of homelessness, fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking, and families who recently experienced homelessness and for whom providing rental assistance will prevent the return to homelessness and housing instability.

With the LACDA's new allocation of EHV's for families experiencing homelessness, the LACDA will continue its commitment to the homeless by prioritizing 50% of its voucher attrition to families experiencing homelessness. For its homeless efforts, Los Angeles County officials continue to fund the purchase of additional motels/inns using a combination of COVID-19 relief funds and state funding from Project Home Key, a follow-up to a program known as Project Roomkey that temporarily sheltered the most vulnerable members of the county's homeless population in hotel rooms.

For CY 2022, the EHV voucher program received 3940 homeless referrals from LAHSA. All families were provided an application for subsidized rental assistance. Families are currently at different stages of program eligibility and housing search. As of December 2022, 3057 families were issued a voucher and 609 have successfully leased a unit with a voucher.

For CY 2022, the voucher program received 130 homeless family referrals from the Department of Mental Health (DMH). All families referred were provided an application for subsidized rental assistance. Families are currently at different stages of program eligibility and housing search. As of December 2022, 62 families have been issued a voucher and 1 has successfully leased a unit with a voucher.

For CY 2022, the voucher program received 35 homeless referrals from the Department of Children and Family Services (DCFS). All families were provided an application for subsidized rental assistance. Families are currently at different stages of program eligibility and housing search. As of December 2022, 9 families have

been issued a voucher and 2 have successfully leased a unit with a voucher. For CY 2022, the voucher program received 9 homeless referrals from the Department of Health Services (DHS). All families were provided an application for subsidized rental assistance. Families are currently at different stages of program eligibility and housing search. As of December 2022, 5 families have been issued a voucher.

Since 2016, the LACDA expanded its homeless preference to include 100% of all South Scattered Sites (SSS). Family vacancies throughout the year are first offered to homeless applicants through a Los Angeles Homeless Service Authority (LAHSA) Memorandum of Understanding (MOU). Additionally, the LACDA provides an expanded waiting list homeless general occupancy preference, limited to 3 households per housing development at Carmelitos, Nueva Maravilla, and Harbor Hills. To qualify for this preference, homeless families must be referred by a Joint Powers Authority (JPA), County agencies, or Community-Based Organizations (CBOs) with a contract or Memorandum of Understanding (MOU) in place with the LACDA. Additionally, the LACDA will require partner agencies to use a Coordinated Access System for homeless referrals. The referring agency must provide a certification of the family's homeless status. The LACDA has a homeless preference for the Carmelitos, Nueva Maravilla "Rosas" and Francisquito Villa senior designated properties. 25% of anticipated annual vacancies will be offered to homeless elderly families. Elderly families must be referred by a partnering agency with a contract or MOU in place with the LACDA. Additionally, the LACDA provides a homeless admissions preference countywide limited to 30% of the number of vacant general occupancy public housing units available on July 1st of each Fiscal Year.

The Consolidated Appropriations Act, 2021 (Public Law 116-260) (2021 Act), made available \$43,439,000 for new incremental voucher assistance under Section 8(o) of the United States Housing Act of 1937 for use by individuals and families experiencing or at-risk of homelessness; those fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking, and veterans and families that include a veteran family member that meets one of the criteria.

On August 16, 2022, HUD issued PIH Notice 2022-24, announcing approximately 4,000 new incremental vouchers nationwide for the new Stability Voucher (SV) program. On June 5, 2023, the LACDA received 288 SVs that will be paired with Continuum of Care supportive services funded by HUD's Office of Community Planning and Development.

The LACDA is proposing a pilot program in partnership with the Public Defender's Office, and the Aging and Disabilities Department, to create a pathway for elderly justice-involved families to access safe and affordable housing. An elderly family is a household whose head, co-head, spouse, or sole member is a person who is at least 62 years of age. An elderly family may consist of two or more persons who are at least 62 years of age living with one or more live-in aides.

Upon Board approval, the LACDA will provide a waiting list preference for justice-involved elderly families that were previously incarcerated or have conviction histories with obstacles to accessing or securing stable and affordable housing, limited to five (5) households per year. Elderly families must be referred by a partnering agency with a contract or Memorandum of Understanding in place with the LACDA. The referring agency must provide a certification of the elderly family's conviction history and need for housing. The LACDA will evaluate the results of the pilot program to determine necessary program adjustments in support of the long-term success of referred elderly families.

- **EXPLORE METHODS TO REDUCE RECIDIVISM FOR HOMELESS PARTICIPANTS HOUSED BY THE LACDA.**

The LACDA offers case management services through its employees to all families to assist them in retaining their housing and achieving self-sufficiency. Eligible families are also offered participation in the FSS program. Through the Homeless Incentive Program (HIP), eligible families are offered assistance with security deposits, landlord incentives, and move-in assistance. The program is effective in encouraging landlords to rent their available units to LACDA's homeless Section 8 voucher holders. Additionally, the LACDA offers the Open Doors Program to current HCV participants to reduce recidivism when a participant is moving from one unit to another. Since November 2019, the Open Doors Program, like HIP, has offered security deposit assistance, landlord incentives, and damage mitigation to participants exiting their units.

Recognizing the specific need for more intensive case management for our previously homeless families, on December 18, 2018, Imagine LA co-located to one of LACDA's SSS properties. Imagine LA's professional staff provides intensive case management and supercharges it with mentorship and access to private and public

resources. SHIELDS for Families is also co-located to one of the LACDA's SSS properties to provide resources to families in need of services such as but not limited to; good housekeeping, healthy relationship information/classes, drug and alcohol programs, job training, interview tips, food and other resources.

- PARTNER WITH OTHER COUNTY AGENCIES TO IDENTIFY AND PROVIDE SUPPORTIVE SERVICES TO THE HOMELESS AND AT-RISK POPULATIONS.

The LACDA partnered with the Los Angeles County Health Agency, via a Memorandum of Understanding (MOU) effective March 11, 2020, to provide referrals and services for its Mainstream voucher-assisted families. The Health Agency combines the Los Angeles County Departments of Mental Health, Health Services, and Public Health agencies. Via the MOU, the Health Agency, when necessary, will coordinate with local service providers who have the training, experience, and qualifications to provide supportive services for families with disabilities. The Health Agency's contracted agency shall continue to make available Intensive Care Management Services to each housed client. The LACDA continues to partner with the below county agencies and community-based organizations to provide supportive services to our previously homeless families. This core team strategizes on a monthly basis on improving the homeless initiative program to ensure that our families thrive.

- Los Angeles Homeless Services Authority (LAHSA)
- Homeless Outreach Program Integrated Care System (HOPICS)
- Department of Children and Family Services (DCFS)
- Imagine LA
- SHIELDS for Families
- The Watts Labor Community Action Committee (WLCAC)
- Department of Health Services (DHS)
- Department of Mental Health (DMH)

In addition, the LACDA partnered with DCFS to invite the 18 PHAs within the Southern California area to a meeting on an available funding opportunity for TAY and provided technical assistance to those who qualify for the FUP TAY award.

#### 4. AFFIRMATIVELY FURTHER FAIR HOUSING

Following HUD's suspension of its Affirmatively Furthering Fair Housing (AFFH) rule in 2018, the State of California still required its PHAs to continue with pursuing the goals they had previously established to meet this federal requirement. Since at this time, PHAs are not required to submit an Assessment of Fair Housing, the LACDA continued to track its progress in meeting its AFFH goals listed below.

Goals:

- Promote Lower Rates of Crime
- Enhance Accessible Housing and Supportive Services To Persons With Disabilities
- Create Viable Communities
- Promote Healthy Communities
- Promote More Affordable and Accessible Housing
- Promote Understanding and Knowledge Of Fair Housing And ADA Laws
- Enhance Employment Opportunities
- Facilitate Access to Proficient Schools
- Promote Facilities and Services For The Homeless
- Enhance Transit Services
- Other Fair Housing Goals

The LACDA is actively engaged in meeting AFFH goals. The LACDA's Public Housing Program collaborated with the Community Policy Team (CPT) to enhance site services, maintain site safety, and promote lower rates of crime. The CPT engaged in annual LACDA events such as the Back2School Jams, National Night Out, Red Ribbon Week crime prevention, and holiday events at the sites. These annual events provide and connect the residents with resources to assist them with school materials, food supplies, and educational and job trainings to facilitate access to proficient schools and enhance employment opportunities.

The LACDA hosted various life skills workshops to enhance healthy living for the residents. Seminars pertaining to depression, hoarding, financial management (budgeting), healthy eating, and housekeeping standards among others were provided to residents. These services helped promote and create healthy viable communities. Additionally, the LACDA participates in Connected Homes USA to bridge the digital divide. The LACDA provides computer labs, with 20 computers

	<p>at each lab, with internet access at each Family Learning Center: Nueva Maravilla, Harbor Hills, South Scatter Sites, and Carmelitos.</p> <p>The LACDA's Section 8 tenant-based program is continuously committed to meeting its AFFH goals by offering tailored services to targeted vulnerable populations. Through the HIP and Open Doors programs, the LACDA's Section 8 program offers mobility counseling and housing navigation resources to voucher holders and participants. Additionally, the programs offer assistance with application fees, security deposits, and landlord incentives to remove financial barriers that would delay a participant's ability to use their voucher.</p>
<b>B.4</b>	<p><b>Violence Against Women Act (VAWA) Goals.</b> Provide a statement of the PHA's goals, activities, objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.</p> <p>LACDA complies with the Violence Against Women Reauthorization Act of 2013 (VAWA 2013) and has an emergency transfer plan. The LACDA's goals, activities, objectives, policies, or programs pertaining to VAWA can be found throughout the Administrative Plan and Admissions and Continued Occupancy Policy (ACOP).</p> <p>Under the Administrative Plan, references to VAWA can be primarily found in Chapter 2.</p> <p>Under the ACOP, references to VAWA can be found in Chapter 3, 12, and 13.</p>
<b>C.</b>	<b>Other Document and/or Certification Requirements.</b>
<b>C.1</b>	<p><b>Significant Amendment or Modification.</b> Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.</p> <p>The LACDA defines a significant amendment/modification to the Agency/Annual Plan as any change in policy that significantly and substantially alters the LACDA's mission and the persons served. An exception to this definition will be made for any amendments or modifications that are adopted to implement new HUD regulatory requirements; as such requirements would not be considered significant amendments by HUD.</p>
<b>C.2</b>	<p><b>Resident Advisory Board (RAB) Comments.</b></p> <p>(a) Did the RAB(s) have comments to the 5-Year PHA Plan?</p> <p>Y   N  <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the 5-Year PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>
<b>C.3</b>	<p><b>Certification by State or Local Officials.</b></p> <p><a href="#">Form HUD-50077-SL</a>, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
<b>C.4</b>	<p><b>Required Submission for HUD FO Review.</b></p> <p>(a) Did the public challenge any elements of the Plan?</p> <p>Y   N  <input type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, include Challenged Elements.</p>

<b>D.</b>	<b>Affirmatively Furthering Fair Housing (AFFH).</b>						
<b>D.1</b>	<p><b>Affirmatively Furthering Fair Housing.</b> (Non-qualified PHAs are only required to complete this section on the Annual PHA Plan. All qualified PHAs must complete this section.)</p> <p>Provide a statement of the PHA's strategies and actions to achieve fair housing goals outlined in an accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5). Use the chart provided below. (PHAs should add as many goals as necessary to overcome fair housing issues and contributing factors.) Until such time as the PHA is required to submit an AFH, the PHA is not obligated to complete this chart. The PHA will fulfill, nevertheless, the requirements at 24 CFR § 903.7(o) enacted prior to August 17, 2015. See Instructions for further detail on completing this item.</p> <div data-bbox="215 590 1471 974"> <table border="1"> <tr> <td><b>Fair Housing Goal:</b></td> </tr> <tr> <td><u><i>Describe fair housing strategies and actions to achieve the goal</i></u></td> </tr> </table> </div> <div data-bbox="215 999 1471 1383"> <table border="1"> <tr> <td><b>Fair Housing Goal:</b></td> </tr> <tr> <td><u><i>Describe fair housing strategies and actions to achieve the goal</i></u></td> </tr> </table> </div> <div data-bbox="215 1402 1471 1787"> <table border="1"> <tr> <td><b>Fair Housing Goal:</b></td> </tr> <tr> <td><u><i>Describe fair housing strategies and actions to achieve the goal</i></u></td> </tr> </table> </div>	<b>Fair Housing Goal:</b>	<u><i>Describe fair housing strategies and actions to achieve the goal</i></u>	<b>Fair Housing Goal:</b>	<u><i>Describe fair housing strategies and actions to achieve the goal</i></u>	<b>Fair Housing Goal:</b>	<u><i>Describe fair housing strategies and actions to achieve the goal</i></u>
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## Instructions for Preparation of Form HUD-50075-5Y - 5-Year PHA Plan for All PHAs

### A. PHA Information. All PHAs must complete this section. (24 CFR § 903.4)

- A.1** Include the full **PHA Name**, **PHA Code**, **PHA Fiscal Year Beginning** (MM/YYYY), **Five-Year Period** that the Plan covers, i.e. 2019-2023, **PHA Plan Submission Type**, and the **Availability of Information**, specific location(s) of all information relevant to the hearing and proposed PHA Plan.

**PHA Consortia:** Check box if submitting a Joint PHA Plan and complete the table.

### B. Plan Elements.

- B.1 Mission.** State the PHA's mission for serving the needs of low- income, very low- income, and extremely low- income families in the PHA's jurisdiction for the next five years. (24 CFR § 903.6(a)(1))
- B.2 Goals and Objectives.** Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low- income, very low- income, and extremely low- income families for the next five years. (24 CFR § 903.6(b)(1))
- B.3 Progress Report.** Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5- Year Plan. (24 CFR § 903.6(b)(2))
- B.4 Violence Against Women Act (VAWA) Goals.** Provide a statement of the PHA's goals, activities objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking. (24 CFR § 903.6(a)(3)).

### C. Other Document and/or Certification Requirements.

- C.1 Significant Amendment or Modification.** Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan. For modifications resulting from the Rental Assistance Demonstration (RAD) program, refer to the 'Sample PHA Plan Amendment' found in Notice PIH-2012-32, REV 2.

#### C.2 Resident Advisory Board (RAB) comments.

- (a) Did the public or RAB have comments?
- (b) If yes, submit comments as an attachment to the Plan and describe the analysis of the comments and the PHA's decision made on these recommendations. (24 CFR § 903.17(b), 24 CFR § 903.19)

#### C.3 Certification by State or Local Officials.

[Form HUD-50077-SL](#), *Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan*, must be submitted by the PHA as an electronic attachment to the PHA Plan.

#### C.4 Required Submission for HUD FO Review.

Challenged Elements.

- (a) Did the public challenge any elements of the Plan?
- (b) If yes, include such information as an attachment to the Annual PHA Plan or 5-Year PHA Plan with a description of any challenges to Plan elements, the source of the challenge, and the PHA's response to the public.

### D. Affirmatively Furthering Fair Housing.

(Non-qualified PHAs are only required to complete this section on the Annual PHA Plan. All qualified PHAs must complete this section.)

**D.1 Affirmatively Furthering Fair Housing.** The PHA will use the answer blocks in item D.1 to provide a statement of its strategies and actions to implement each fair housing goal outlined in its accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5) that states, in relevant part: "To implement goals and priorities in an AFH, strategies and actions shall be included in program participants' ... PHA Plans (including any plans incorporated therein) .... Strategies and actions must affirmatively further fair housing ...." Use the chart provided to specify each fair housing goal from the PHA's AFH for which the PHA is the responsible program participant – whether the AFH was prepared solely by the PHA, jointly with one or more other PHAs, or in collaboration with a state or local jurisdiction – and specify the fair housing strategies and actions to be implemented by the PHA during the period covered by this PHA Plan. If there are more than three fair housing goals, add answer blocks as necessary.

Until such time as the PHA is required to submit an AFH, the PHA will not have to complete section D.; nevertheless, the PHA will address its obligation to affirmatively further fair housing in part by fulfilling the requirements at 24 CFR 903.7(o)(3) enacted prior to August 17, 2015, which means that it examines its own programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintain records reflecting these analyses and actions. Furthermore, under Section 5A(d)(15) of the U.S. Housing Act of 1937, as amended, a PHA must submit a civil rights certification with its Annual PHA Plan, which is described at 24 CFR 903.7(o)(1) except for qualified PHAs who submit the Form HUD-50077-CR as a standalone document.

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced the 5-Year PHA Plan. The 5-Year PHA Plan provides the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families and the progress made in meeting the goals and objectives described in the previous 5-Year Plan.

Public reporting burden for this information collection is estimated to average 1.64 hours per year per response or 8.2 hours per response every five years, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

**Privacy Act Notice.** The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.



**ADMISSIONS AND CONTINUED OCCUPANCY POLICY  
FOR THE CONVENTIONAL PUBLIC HOUSING PROGRAM**

**2024**



**LACDA Public Housing Fiscal Year 2024-2025  
Admissions and Continued Occupancy Policy (ACOP)**

**Introduction of the updated ACOP**

The Los Angeles County Development Authority (LACDA) moved to implement a new ACOP model. The updated format provides additional information and clarification of the U.S. Department of Housing and Urban Development's (HUD's) federal regulations.

The new version is more structured, and includes citations of the HUD Public Housing Guidebook, Chapter Overviews, some example case scenarios, PIH Notices, an extensive list of document and websites resources, and HUD updated definitions.

Proposed new policies for the for FY 2024-25 ACOP includes the implementation of the Final Rule of the **Housing Opportunity Through Modernization Act (HOTMA)**, effective February 14, 2023. The Final Rule required Public Housing Agencies (PHAs) to implement sections 102 and 104 of HOTMA by January 1, 2024, however, HUD subsequently issued Notice PIH 2023-27, allowing the PHAs to set its own compliance date, no later than January 1, 2025. The LACDA will be in compliance by January 1, 2025.

The following table provides an outline of the FY 2024-25 proposed new policies, including HOTMA changes, and ACOP page number references. The new proposed policies are also highlighted in the ACOP available during the public comment period for easy reference.

Regulation	Mandated Requirements and Proposed Policy	Section
<b>Revocation of Consent Form (Form HUD-9886-A Authorization for the Release of Information/Privacy Act Notice) (HOTMA Mandated)</b>	<p>Currently, the LACDA must deny or terminate assistance for failure to sign and submit HUD-mandated consent and release forms deemed necessary to allow the LACDA to obtain financial verification to determine the family's initial or continued eligibility.</p> <p>Based on HUD's implementation of HOTMA, the LACDA is required to add language to its existing policies if a public housing applicant or resident revokes/rescinds consent forms.</p> <p>Upon approval from the Office of Management Budget (OMB) of the revised Form HUD-9886A, the LACDA will deny admissions or terminate assistance due to the revocation of consent. The LACDA will afford the Head of Household (HOH) the opportunity to remove the family member who revokes the consent. If the family member revoking the consent is the HOH, the entire family will be denied admission or terminated.</p>	3-II.D. 7-I.A.

<b>Asset Limitation for New Admissions (HOTMA Mandated)</b>	<p>Based on HUD’s implementation of HOTMA, the LACDA will modify its policies to conform to the mandated restrictions based on net assets. The LACDA will deny admission to an applicant family for the following reasons:</p> <ul style="list-style-type: none"> <li>• Net family assets that exceed \$100,000. This amount is subject to HUD’s annual inflationary adjustment in accordance with the Consumer Price Index (CPI); and/or</li> <li>• The family has a present ownership interest in, a legal right to reside in, and the legal authority to sell the real property that is suitable for occupancy by the family as a residence.</li> </ul>	3-III.C.
<b>Earned Income Disregard (HOTMA Mandated)</b>	<p>Currently, Earned Income Disregard (EID) is applicable to an eligible adult family member, 18 years of age or older, who either begins earning income or experiences an increase in earned income. The earned income disregard allows the LACDA to exclude the increased (or new) earned income, resulting in an income exclusion, and not counted towards the tenant’s rent portion for a period of no more than 24 months.</p> <p>HOTMA removed the statutory authority for the EID. The EID is available only to families that are eligible for and participating on the program as of December 31, 2023, or before; no new families may be added on or after January 1, 2024; EID will sunset on January 1, 2026.</p> <p><b>**Families at the Carmelitos public housing development eligible to receive the Jobs Plus Earned Income Disregard (JPEID) may continue to receive JPEID benefits and will not be impacted by the HOTMA final rule.</b></p>	6-I.E.
<b>Income Exclusions (HOTMA Mandated)</b>	<p>Currently, HUD provides Public Housing Agencies (PHA’s) with a list of mandatory income inclusions and exclusions which is outlined in the ACOP.</p> <p>Based on HUD’s implementation of HOTMA, the definition of annual income has been modified to include all sources of a family’s income unless specifically excluded by HUD. As such, HUD has provided an updated list of income exclusions that is now included in the ACOP.</p>	6-I.M.
<b>Mandatory Deductions (HOTMA Mandated)</b>	<p>Based on HUD’s implementation of HOTMA, the LACDA will comply with the mandatory changes in the allowable deduction amounts. For example,</p> <ul style="list-style-type: none"> <li>• Elderly/disabled allowance will be updated from \$400 to \$525.</li> <li>• Dependents \$480 will be updated in accordance with HUD’s public notice.</li> </ul> <p>These amounts are subject to an annual inflationary adjustment in accordance with the Consumer Price Index (CPI) and will be</p>	6-III.A., B, and C 7-IV.A.

	published yearly by HUD. The annual inflationary adjustment will be rounded by HUD to the next lowest multiple of \$25.	
<b>Hardship Exemptions for Health/Medical Care Expenses &amp; Reasonable Attendant Care &amp; Auxiliary Apparatus Expenses – General Relief/Hardship (HOTMA Mandated-with discretionary implementing options)</b>	<p>Currently, the LACDA does not define financial “Hardship” in relation to Health/Medical Care Expenses &amp; Reasonable Attendant Care &amp; Auxiliary Apparatus expenses. LACDA currently refers to the Internal Revenue Service (IRS) Publication 502 definition for medical, dental expenses, etc., and may be amended from time to time by the IRS.</p> <p>Based on HUD’s implementation of HOTMA, the LACDA is required to define financial hardship for purposes of granting a relief for a period of 90 calendar days when the families’ health/medical and attendant/auxiliary expenses exceed the HUD-mandated thresholds. To carry out this requirement the LACDA is proposing to define hardship as circumstances limited to the following:</p> <ul style="list-style-type: none"> <li>• Circumstances where the family experiences a loss of income and is expected to continue for an undetermined period;</li> <li>• Imputed welfare (excluding fraud); or</li> <li>• Increase in utility rates.</li> </ul> <p>An elderly or disabled family or a family that includes a person with disabilities may request a hardship exemption to the limitations above when the family experiences a financial hardship due to the change in this regulation. The LACDA reasonable accommodation processes will apply. On a case-by-case basis, the LACDA may grant an additional 90-day extension, not to exceed 180 days, while the family’s hardship continues.</p> <p>It should be noted that in all cases, the family’s hardship relief ends when the circumstances that made the family eligible for the financial relief are no longer applicable, or after 90 days, whichever comes earlier.</p>	6-III.G.
<b>Hardship Exemptions for Health/Medical Care Expenses &amp; Reasonable Attendant Care &amp; Auxiliary Apparatus Expenses – Phased-In Relief (HOTMA Mandated)</b>	<p>Currently, the LACDA does not have a phased-in relief policy for families with Health/Medical Care, Reasonable Attendant Care, and Auxiliary Apparatus out of pocket expenses that exceed the current three (3) percent threshold of the family’s gross annual income to the new mandated ten (10) percent threshold.</p> <p>Based on HUD’s implementation of HOTMA, the LACDA will increase the current 3 percent to 10 percent and will begin the 24-month phased-in relief for families currently receiving HUD’s</p>	6-III.G.

	<p>allowable health/medical deduction for unreimbursed out-of-pocket expenses based on the family’s reexamination preceding January 1, 2024.</p> <p>The phase-in relief will commence at the family’s next annual or interim reexamination, whichever occurs first after January 1, 2024, as follows:</p> <ul style="list-style-type: none"> <li>• 1st twelve months – expenses more than 5 percent of the family’s annual gross income.</li> <li>• 2nd twelve months – expenses more than 7.5 percent of the family’s annual gross income.</li> </ul> <p>At the conclusion of the 24-month phased-in, the 10 percent will be applied, and the family will be eligible for this deduction if their expense exceeds the 10 percent threshold.</p> <p>A family receiving phased-in relief in accordance with HUD’s implementation may request in writing a hardship exemption. However, the family will be ineligible to resume the phase-in relief if the hardship exemption is granted.</p> <p>New admissions and existing families previously not receiving the allowable deduction will automatically be applied the mandated 10 percent and will not be eligible for the phased-in relief.</p>	
<p><b>Hardship Exemption to Continue Childcare Expense Deduction (HOTMA Mandated-with discretionary implementing options)</b></p>	<p>Currently, HUD’s rules and the LACDA’s policy allow for a deduction from the family’s annual gross income for any reasonable childcare expenses necessary to enable a member of the family to be employed or to further his or her education.</p> <p>Based on HUD’s implementation of HOTMA, the LACDA must implement a policy that allows a family to request a hardship exemption when the family is no longer eligible for the childcare deduction and expense and is still necessary when the family is no longer employed or furthering his/her education.</p> <p>To carry out this requirement, the LACDA is proposing to define financial hardship as the following circumstances for purposes of determining eligibility for a hardship exemption.</p> <ul style="list-style-type: none"> <li>• Temporary loss of income for a period not to exceed 90 calendar days and childcare is still necessary;</li> <li>• Increase in utility rates (that exceed the HUD established threshold for implementing the new rates and allowances);</li> <li>• Adult family member(s) participating in higher education/vocational training and other adult members in the home are unable to care for the minor(s);</li> <li>• Expense is necessary to continue the child’s enrollment at the childcare facility or in accordance with their childcare contract; or</li> </ul>	<p>6-III.G. 7-IV.A.</p>

	<ul style="list-style-type: none"> <li>• Increase in childcare expense and the increase is in excess of 40 percent of the family's annual adjusted income.</li> </ul> <p>The LACDA will require the family to request the financial hardship in writing within 10 calendar days from the loss in deduction, resulting in financial hardship and inability to pay rent.</p> <p>The LACDA will obtain third-party verification to determine the family's financial hardship resulting in their inability to pay rent. The exemption will be granted for a period of 90 calendar days. The family's hardship exemption ends when the circumstances that made the family eligible for the exemption are no longer applicable or after 90 days, whichever comes earlier.</p>	
<b>De Minimis Errors in Income Determinations (HOTMA Mandated)</b>	<p>Based on HUD's implementation of HOTMA, the LACDA must take corrective action to credit or repay a family if the family was overcharged tenant rent because of de minimis errors in calculating family income. However, the LACDA must not implement local policies to require a family to repay in instances resulting in a family being undercharged for rent when the PHA miscalculated the family's income.</p> <p>De minimis is defined as an LACDA calculation error of \$30 or less of the family's monthly adjusted income (or \$360 in annual adjusted income). The provision enables the LACDA to make a de minimis error income determination on a family-by-family basis rather than having HUD conduct a full portfolio review if the LACDA exceeds the threshold.</p> <p>As required by HUD, under a corrective action, the LACDA will grant the family credit toward future rents when it is discovered that there is a rent overcharge due to an administrative error calculation. The family is issued a credit retroactively to the effective date of the action when the error was made, regardless of the dollar amount associated with the administrative error.</p>	6-III.H.
<b>USE OF OTHER PROGRAMS' INCOME DETERMINATIONS (SAFE HARBOR) (HOTMA with discretionary implementing options)</b>	<p>The LACDA proposing to adopt the HUD's Safe Harbor discretionary policy. When available and applicable, the LACDA will accept other programs' Safe Harbor determinations of income at annual reexamination to determine the family's total annual income.</p>	7-I.B.

<b>Enterprise Income Verification (EIV) Usage (HOTMA with discretionary implementing options)</b>	<p>HUD mandates the PHAS to HUD's EIV system in its entirety, in accordance with 24 CFR § 5.233 to reduce the administrative and subsidy payment errors in accordance with HUD guidance. However, under HOTMA, PHAs are not required to use EIV during interim reexaminations.</p> <p>As a discretionary policy, the LACDA will continue to use the EIV system in its entirety during interim re-examinations.</p>	<p>7-I.E.</p>
<b>Self-Certification of Net Family Assets Equal to or Less Than \$50,000 (HOTMA Mandated-with discretionary implementing options)</b>	<p>Currently, the LACDA accepts an existing family's self-certification where the family has net assets equal to or less than \$5,000, without taking additional steps to verify the accuracy of the declaration during a reexamination review.</p> <p>Based on HUD's implementation of HOTMA, the LACDA will revise this policy to increase the net asset from \$5,000 to \$50,000. The LACDA will accept the family's self-certification stating the amount of income the family expects to receive from such assets equal to or less than \$50,000 and the amount is included in their annual income. This amount is subject to HUD's annual inflationary adjustment in accordance with the CPI.</p> <p>To carry out this requirement, the LACDA is proposing to accept the family's net asset self-certification at admissions to the program without taking additional steps to verify the accuracy of the declaration when the family cannot provide third-party verification. The LACDA will require the family to provide third-party generated documents as required by HUD guidance.</p>	<p>7-I.I. 7-III.F.</p>
<b>Self-Certification of Real Property Ownership (HOTMA Mandated)</b>	<p>Currently, the LACDA verifies ownership of Real Property at admissions and annual reexamination through generated third-party verification for purposes of imputing income from assets. The LACDA does not have any restrictions for ownership of real property for purposes of admission to the program.</p> <p>Based on HUD's implementation of HOTMA, the LACDA will deny admission to the program when a family declares ownership of real property and the property is suitable for occupancy by the family in accordance with HUD's asset restrictions, with the following exceptions.:</p> <ul style="list-style-type: none"> <li>• Whether or not the family has the legal right to reside in the property;</li> <li>• Whether or not the family has the legal authority to sell the property (i.e., due to litigation, fractional ownership, sale, or divorce);</li> <li>• Whether or not the property is suitable for occupancy by the family as a residence (i.e., unsafe);</li> <li>• The property is geographically located so that the distance or commuting time between the property and the family's</li> </ul>	<p>7-III.F.</p>

	<p>place of work or a family member's educational institution would create a hardship for the family;</p> <ul style="list-style-type: none"> <li>• Unit does not meet the disability-related needs of the family;</li> <li>or</li> <li>• The property is not sufficient for the size of the household.</li> </ul> <p>The LACDA will require third-party generated verification for the reasons noted above for purposes of determining program eligibility.</p> <p>For victims of domestic violence, dating violence, sexual assault, stalking, as well as verbal, psychological, economic, or technological abuse that cannot provide the third-party generated verification, the LACDA must accept a self-certification from the family member who is the victim, and the restrictions on requesting documentation apply under § 5.2007.</p>	
<b>NSPIRE (HUD Mandated)</b>	<p>The U.S. Department of Housing and Urban Development's (HUD) new housing inspection approach, under development, prioritizes health, safety, and functional deficiencies over those about appearance. The National Standards for the Physical Inspection of Real Estate (NSPIRE) is a single inspection standard for all units under the Public Housing, HCV, Multifamily, and Community Planning and Development (CPD) programs.</p> <p>In accordance with HUD requirements, the LACDA is required to comply with the mandatory new inspection standards. This is the new standard replaces the Real Estate Assessment Center's (REAC's) mandated inspections. For the public housing program this is effective 10/1/2023.</p>	8-II.A.
<b>Interim Re-examinations - Reporting Changes &amp; Effective Date (HOTMA Mandated with discretionary implementing options)</b>	<p>Based on HUD's implementation of HOTMA, the LACDA is required to develop policies when and under what conditions families must report changes in family composition and adjusted income.</p> <p>The LACDA already has policies in place to meet this requirement.</p> <ul style="list-style-type: none"> <li>• The LACDA requires that families report any changes in family income and composition in writing within ten (10) calendar days of when the change occurs.</li> <li>• Any additional information, necessary documents, or signature needed from the family to verify the change must be provided within 15 calendar days from the date of request.</li> <li>• If the family delays or fails to report changes in family circumstances that result in a decrease in tenant rent, it will be considered untimely reporting. The change will be effective on the first of the month following completion of processing by the LACDA and not retroactively.</li> </ul>	9-I.F.

	<ul style="list-style-type: none"> <li>• If the family fails to report the changes in family circumstances and the change results in a rent increase, the family will be issued a 30-day rent increase notice and the LACDA will initiate a retroactive tenant payment agreement to the first of the month following the date of change.</li> </ul> <p>As a revision to the above existing discretionary policy, the LACDA is proposing to allow families to provide additional information within 15 calendar days instead of within three (3)</p>	
<b>Interim Re-examinations - Decreases in Adjusted Annual Income (HOTMA Mandated with discretionary implementing options)</b>	<p>Currently, the LACDA processes interim re-examinations for families that experience a loss or decrease in their income and changes in family composition.</p> <p>Based on HUD's implementation of HOTMA, the LACDA may decline to conduct an interim re-examination of family income if the LACDA estimates that the family's annual adjusted income will decrease by an amount that is less than ten (10) percent or such lower threshold.</p> <p>To carry out this requirement, the LACDA will not establish a threshold of 10 percent or less. LACDA reaffirms it will continue to exercise its current interim re-examination policy for all decreases in the family's adjusted income or changes in family composition when a family reports the changes in writing.</p>	9-III.C.
<b>Interim Re-examinations - Increases in Adjusted Annual Income (HOTMA Mandated with discretionary implementing options)</b>	<p>Currently, Interim reexaminations for increases in adjusted annual income for the public housing program are processed only when there is an income increase in existing income of \$200/month or more.</p> <p>Based on HUD's implementation of HOTMA, the LACDA is eliminating the \$200 threshold, and will now conduct an interim re-examination when the family's annual adjusted income has changed by an amount that would result in an estimated increase of ten (10) percent or more in annual adjusted income or other amount established through HUD notice.</p> <p>HUD allows other discretion relevant to Interim Re-examinations. As a discretionary policy, the LACDA is proposing to process the income increase at the next Annual Reexamination instead of conducting an Interim Reexamination when a family reports an increase in income within three (3) months of their next annual reexamination effective date.</p>	9-III.C.

<b>Net Asset Limitation for Existing Families (HOTMA Mandated)</b>	<p>Based on HUD’s implementation of HOTMA, the LACDA will elect to initiate eviction of a family’s public housing assistance no later than six months after the effective date of an annual or interim reexamination in accordance with HUD for the following reasons:</p> <ul style="list-style-type: none"> <li>• Net family assets that exceed \$100,000. This amount is subject to HUD’s annual inflationary adjustment in accordance with the CPI; and/or</li> <li>• The family has a present ownership interest in, a legal right to reside in, and the legal authority to sell the real property that is suitable for occupancy by the family as a residence.</li> </ul> <p>As required by HUD, the LACDA will provide the affected families the opportunity to cure the asset limitations from the effective date of the annual or interim reexamination through the end of their six (6) month end period.</p>	13-II.J.
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In addition to adding mandatory HOTMA policies, the LACDA has made minor clarifications to existing policies. The following table provides an outline of the specific LACDA FY 2024-25 proposed clarifications, and page numbers in which the policies are located within the ACOP. Each of the policies delineated below are highlighted within the ACOP to allow the reader to quickly locate the changes.

Regulation	Proposed Policy	Section
<b>Live-In Aides 24 CFR 5.403 24 CFR 982.316</b>	<p>Currently the LACDA does not have language in the ACOP regarding Live-In Aides without Social Security Numbers. The LACDA is proposing to add the following clarifying language which is currently done procedurally.</p> <p>If a live-in aide legally cannot obtain a Social Security Number, he/she must sign a certification stating that he/she does not have one. State the individual’s name, state that the individual has not been issued a Social Security Number; state that the individual will disclose the Social Security Number to the LACDA, if he/she obtains one at a later date; and must be signed and dated. The LACDA will issue an alternate ID (H00#) as an alternative.</p>	3-I.N.
<b>Waitlist - Resident</b>	<p>Current LACDA public housing residents, specifically Head of Household, Co-Head, Spouse, or Domestic Partner, are prohibited from placing their name on any of the thirteen site-based waiting lists while receiving assistance.</p> <p>Effective July 1, 2024, upon submission of the initial application, if any of the above-mentioned members are currently receiving assistance within the LACDA's PH program, the applicant is determined as ineligible. The LACDA will notify the family in writing (or in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform them of their right to an informal hearing. Persons with disabilities may request to have an advocate attend the</p>	4-I.D.

	informal hearing as an accommodation. Refer to the chapter “Grievances and Appeals.”	
<b>Preference – Pilot Program</b>	<p>The LACDA is proposing a pilot program in partnership with the Public Defender’s Office, and Aging and Disabilities Department, to create a pathway for elderly justice involved families to access safe and affordable housing. An elderly family is a household whose head, co-head, spouse, or sole member is a person who is at least 62 years of age. An elderly family may consist of two or more persons who are at least 62 years of age living with one or more live-in aides.</p> <p>Upon Board approval the LACDA will provide a waiting list preference for justice-involved elderly families that were previously incarcerated or have conviction histories with obstacles to accessing or securing stable and affordable housing, limited to five (5) households per year. Elderly families must be referred by a partnering agency with a contract or Memorandum of Understanding in place with the LACDA. The referring agency must provide a certification of the elderly family’s conviction history and need for housing. The LACDA will evaluate the results of the pilot program to determine necessary program adjustments in support of the long-term success of referred elderly families.</p>	4-III.B.
<b>Inspections - Potos Notice PIH 2013-17</b>	<p>Currently the LACDA does not have language in the ACOP regarding taking photos during inspections or work order calls. The LACDA is proposing to add the following clarifying language which is currently done procedurally.</p> <p>In accordance with PIH Notice 2013-17, the LACDA may take photos during routine and scheduled unit/site inspections and/or work order calls to identify and record the quality of the inspectable item or to record deficiencies and/or damages, including photos of the corrected deficiencies/damages. The photos will be secured and stored in the respective inspection and/or work order report(s) in the resident’s paper or electronic file. Each photo taken will be clearly labeled (i.e., date/time, unit/site location), so that the relevant content of the photo is easily identified; photo will be matched to a specific item on the inspection and/or workorder report along with any written description of the deficiency, damage(s), corrected damage(s)/deficiencies.</p>	8-II.B.
<b>Interim - Failed to submit required documents</b>	<p>Currently, the Public Housing program requires residents to report changes within ten (10) calendar days of the occurrence. The family is responsible for providing supporting documents at the time of their notification. The LACDA provides residents three (3) days to submit additional requested documents when necessary.</p> <p>Effective July 1, 2024, the LACDA is proposing to extend the timeframe from three (3) days to 15 days to allow the family ample time to provide the LACDA with the requested supporting documents. The LACDA may grant an extension for extenuating circumstances. However, if the family is non-responsive by the due date to a request for documentation, the LACDA will consider the family non-responsive. In such cases, the family will be advised in writing that the LACDA will not process the rent decrease and must start the process again if they want to receive the decrease. Should the family start the process again, the LACDA will not retroactively apply the rent decrease adjustment.</p>	9-III.C. 9-III.D.

<b>Transfer Hierarchy</b>	<p>The LACDA complies with HUD mandated requirement to modify the Admissions, Occupancy and Transfer policies and procedures in order to maximize the occupancy of its accessible units by eligible individuals whose disability requires the accessibility features of a particular unit. The LACDA takes reasonable non-discriminatory steps to maximize the utilization of accessible units by eligible individuals whose disability requires the accessibility features of a particular unit. The LACDA will add the following language to the Transfer Policy chapter:</p> <ul style="list-style-type: none"> <li>• First, offer the unit to a current occupant with disabilities in the same development that requires the accessibility features of the vacant accessible unit and occupying a unit not having those accessibility features. The LACDA will pay for the moving expenses to transfer a resident with a disability to an accessible unit as an accommodation for the resident's disability.</li> <li>• Second, if there is no current resident in the same development who requires the accessibility features of the vacant, accessible unit, the LACDA will offer the unit to a current resident with disabilities residing in another development that requires the accessibility features of the vacant, accessible unit and occupying a unit not having those accessibility features. The LACDA will pay for the moving expenses to transfer a resident with a disability to an accessible unit as an accommodation for the resident's disability.</li> <li>• Third, if there is no current resident who requires the accessibility features of the vacant, accessible unit, then the LACDA will offer the accessible unit to an eligible, qualified applicant with disabilities on the respective waiting list who can benefit from the accessible features of the available, accessible unit.</li> </ul> <p>Lastly, if there is not an eligible qualified resident or applicant with disabilities on the waiting list who wishes to reside in the available, accessible unit, then the LACDA will offer the available accessible unit to an applicant on the waiting list who does not need the accessible features of the unit. However, the LACDA will require the applicant to execute a lease that requires the resident to relocate, in accordance with the PH Lease.</p>	12-II.B.
<b>Right to Reclaim Abandoned Property California Civil Code § 1984, 1985 and 1988</b>	<p>Currently the LACDA does not have language in the ACOP regarding Right to Reclaim Abandoned Property. The LACDA is proposing to add the following clarifying language which is in line with California Civil Code § 1984, 1985 and 1988, and is currently done procedurally.</p> <p>If the LACDA discovers personal property remains on the premises after a tenancy has terminated and the premises have been vacated by the tenant or the premises have been abandoned, the LACDA shall give written notice to the tenant and to any other person the LACDA reasonably believes to be the owner of the property. The notice will notify the tenant of the location were to claim the property and the</p>	13-III.C.

date when the claim must be made. The tenant must claim the property within 15 calendar days after the notice is personally delivered or, if mailed, within 18 calendar days after the notice is deposited in the mail.

If the LACDA reasonably believes that the total resale value of the abandoned personal property is less than seven hundred dollars (\$700), the LACDA may retain the property for his or her own use or dispose of it in any manner. If the abandoned personal property is reasonably believed to be equal to or more than \$700, the LACDA will advertise a public sale of the abandoned property. The LACDA will submit a publication in a newspaper once a week for two successive weeks. The period of notice commences upon the first day of publication and terminates at the end of the fourteenth day. The publication will provide the time and place of the public sale and will describe the property to be sold in a manner reasonably adequate to permit the owner of the property to identify it.

Any balance of the proceeds of the sale, after deducting costs of storage, advertising, and sale, will be paid to the LA County Treasury no later than 30 days after the date of sale. The former tenant or other owner may claim the balance within one year from the date of payment to the county by making application to the county treasurer or other official designated by the county

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## **Introduction**

### **ABOUT THE ACOP**

#### **REFERENCES CITED IN THE ACOP**

Authority for Public Housing Authority (PHA) policies is derived from many sources. Primary among these sources are regulations and guidance issued by HUD. State law also directs PHA policy. State law must be followed where such law exists and does not conflict with federal regulations. In the absence of legal requirements or HUD guidance, industry practice may lead to PHA policy. Finally, the public housing lease will affect PHA policy and therefore must be consistent with federal and state laws and regulations.

#### **U.S. Department of Housing and Urban Development (HUD)**

HUD provides the primary source of PHA policy through federal regulations, HUD Notices and handbooks. Compliance with federal regulations, current HUD Notices and HUD handbooks is mandatory.

HUD provides nonmandatory guidance to PHAs through HUD published guidebooks. Expired HUD Notices and handbooks also provide guidance for PHA policy. Following HUD guidance is optional, as long as PHA policies comply with federal law, federal regulations and mandatory policy. Because HUD has already determined that the guidance it provides is consistent with mandatory policies, PHA reliance on HUD guidance provides the PHA with a “safe harbor.”

Content contained on the HUD website can provide further clarification of HUD policies. For example, FAQs on the HUD website can provide direction on the application of federal regulations to a specific pattern.

#### **State Law**

Where there is no mandatory federal guidance, PHAs must comply with state law, if it exists. Where state law is more restrictive than federal law, but does not conflict with it, the PHA should follow the state law.

#### **Industry Practice**

Where no law or HUD authority exists on a particular subject, industry practice may support PHA policy. An industry practice is a way of doing things that is followed by most housing authorities.

## RESOURCES CITED IN THE ACOP

The ACOP cites several documents. Where a document or resource is cited frequently, it may be abbreviated. Where it is cited only once or twice, the ACOP may contain the entire name of the document or resource. Following is a key to abbreviations used for various sources that are frequently cited in the ACOP, and a list of references and document locations that are referenced in the ACOP or that may be helpful to you.

### Public Housing Occupancy Guidebook

In June 2020 HUD began issuing a new version of the *Public Housing Occupancy Guidebook* chapter-by-chapter. Unlike the previous version of the guidebook in which chapters were numbered, the new version includes chapter names, but no numbers. As the new version of the guidebook has not yet been fully released, and since the previous version of the guidebook contains guidance not found in the new version, the policy cites both versions of the guidebook. Therefore, where the *Public Housing Occupancy Guidebook* is cited in the policy, the citation will make a distinction between the “old” and “new” versions of the guidebook. The “old” version of the guidebook will continue to be cited as *PH OCC GB* with a chapter/page reference (example: PH OCC GB, p. 5-4). If HUD has also released a new chapter on the same topic with information that either adds new information or updates existing information from the previous guidebook, the new guidebook will be cited as *New PH OCC GB* with a chapter title and page reference (example: New PH OCC GB, *Lease Requirements*, p. 11).

On September 29, 2023, HUD issued Notice PIH 2023-27 to implement sections 102 and 104 of the Housing Opportunity Through Modernization Act of 2016 (HOTMA). The notice supersedes relevant portion of the guidebook, specifically the chapters on eligibility and occupancy, income determinations, and reexaminations. Where chapters have not been altered by the HOTMA implementation notice, the model policy continues to site the Public Housing Occupancy Guidebook.

### Abbreviations

Throughout the ACOP, abbreviations are used to designate certain documents in citations. The following is a table of abbreviations of documents cited by the ACOP.

Abbreviation	Document
CFR	Code of Federal Regulations
HUD-50058 IB	HUD-50058 Instruction Booklet
PH OCC GB	Public Housing Occupancy Guidebook, June 2003
New PH OCC GB	Public Housing Occupancy Guidebook, Various dates of release
RHIIP FAQs	Rental Housing Integrity Improvement Program (RHIIP) Frequently Asked Questions
VG	Verification Guidance, March 2004 (attachment to PIH Notice 2004-1)

## Resources and Where to Find Them

The HUD website is <https://www.hud.gov/>.

Guidebooks, handbooks, and other HUD resources may be found at the HUDClips website:  
[https://www.hud.gov/program\\_offices/administration/hudclips](https://www.hud.gov/program_offices/administration/hudclips)

Following is a list of resources helpful to the PHA or referenced in the ACOP, and the online location of each.

Document and Location
Code of Federal Regulations <a href="http://www.ecfr.gov">http://www.ecfr.gov</a>
Enterprise Income Verification (EIV) System PHA Security Procedures <a href="https://www.hud.gov/sites/documents/EIVSECGUIDEPHA.PDF">https://www.hud.gov/sites/documents/EIVSECGUIDEPHA.PDF</a>
Executive Order 11063 <a href="https://www.archives.gov/federal-register/codification/executive-order/11063.html">https://www.archives.gov/federal-register/codification/executive-order/11063.html</a>
Federal Register <a href="https://www.federalregister.gov/">https://www.federalregister.gov/</a>
HOTMA Final Rule <a href="https://www.federalregister.gov/documents/2023/02/14/2023-01617/housing-opportunity-through-modernization-act-of-2016-implementation-of-sections-102-103-and-104?utm_campaign=subscription+mailing+list&amp;utm_source=federalregister.gov&amp;utm_medium=email">https://www.federalregister.gov/documents/2023/02/14/2023-01617/housing-opportunity-through-modernization-act-of-2016-implementation-of-sections-102-103-and-104?utm_campaign=subscription+mailing+list&amp;utm_source=federalregister.gov&amp;utm_medium=email</a>
HOTMA Implementation Notice, PIH 2023-27 <a href="https://www.hud.gov/sites/dfiles/OCHCO/documents/2023-27pihn.pdf">https://www.hud.gov/sites/dfiles/OCHCO/documents/2023-27pihn.pdf</a>
Joint Statement of the Department of Housing and Urban Development and the Department of Justice, issued May 17, 2004 <a href="https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_statement_ra.pdf">https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_statement_ra.pdf</a>
Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, published January 22, 2007 <a href="https://www.lep.gov/guidance/HUD_guidance_Jan07.pdf">https://www.lep.gov/guidance/HUD_guidance_Jan07.pdf</a>
Notice PIH 2010-26, Nondiscrimination and Accessibility Notice <a href="http://www.hud.gov/offices/pih/publications/notices/10/pih2010-26.pdf">http://www.hud.gov/offices/pih/publications/notices/10/pih2010-26.pdf</a>
Notice PIH 2017-12, Administrative Guidance for Effective and Mandated Use of the Enterprise Income Verification (EIV) System <a href="https://www.hud.gov/sites/documents/PIH2017-12EIVNOTICE.PDF">https://www.hud.gov/sites/documents/PIH2017-12EIVNOTICE.PDF</a>
Public Housing Occupancy Guidebook, June 2003 <a href="https://www.hud.gov/sites/documents/DOC_10760.PDF">https://www.hud.gov/sites/documents/DOC_10760.PDF</a>
VAWA Resources <a href="https://www.hud.gov/vawa">https://www.hud.gov/vawa</a>



## Chapter 1

### STATEMENT OF POLICIES AND OBJECTIVE

#### INTRODUCTION

In 1982, the Los Angeles County Board of Supervisors consolidated three (3) entities- The Housing Authority, the Community Development Department, and the Redevelopment Agency – to form the Community Development Commission (CDC). On May 16, 2019, the agency was officially rebranded as the Los Angeles County Development Authority (LACDA). The LACDA's core pillars include affordable housing and community and economic development. The agency's wide-ranging program benefit residents and business owners in the unincorporated Los Angeles County areas and in various incorporated cities that participate in different programs (these cities are called "participating cities").

The LACDA is responsible for public and affordable housing stock located throughout Los Angeles County. Through our efforts to provide and maintain housing that is decent, safe, and sanitary, the LACDA strives for a high standard of property management. In addition, the LACDA believes that residents of public housing deserve a living environment that promotes individual achievement and empowers families.

The administration of the public housing program and the functions and responsibilities of the LACDA shall be in compliance with the Annual Contributions Contract (ACC), and this Admissions and Continued Occupancy Policy (herein referred as ACOP). The administration of the LACDA's housing program will also meet the requirements set forth by the U.S. Department of Housing and Urban Development (HUD). Such requirements include any Public Housing Regulations, Handbooks, and applicable Notices. All applicable Federal, State, and local laws, including Fair Housing Laws and regulations also apply. Changes in applicable federal laws or regulations shall supersede provisions in conflict with this policy. Federal regulations shall include those found in Volume 24 Code of Federal Regulations (CFR), Parts V, VII and IX.

**OVERVIEW:** There are three parts to this chapter:

**Part I: The Public Housing Agency (PHA).** This part includes a description of the LACDA's, jurisdiction, its programs, organization and structure, mission statement, local objectives, and commitment to ethics and service.

**Part II: The Public Housing Program.** This part contains information about public housing operation, roles and responsibilities, partnerships, posting of information, Violence Against Women Act (VAWA), family outreach, and privacy statement and confidentiality.

**Part III: The Admissions and Continued Occupancy (ACOP).** This part discusses the purpose and organization of the plan and its revision requirements.

## **PART I: THE PUBLIC HOUSING AGENCY (PHA)**

### **1-I.A. OVERVIEW**

This part describes the LACDA's creation and authorization, the general structure of the organization, and the relationship between the LACDA, Board of Commissioners (BOCs), and staff.

### **1-I.B. ORGANIZATION AND STRUCTURE OF THE LACDA**

The Public Housing Program is funded by the federal government and administered by the LACDA for the jurisdiction of the County of Los Angeles. LACDA's jurisdiction includes all unincorporated areas of Los Angeles County. For a list of the LACDA's jurisdiction, please refer to [www.lacda.org](http://www.lacda.org).

LACDA is governed by the Los Angeles County Board of Commissioners (herein referred to as "Board"). The Board of Commissioners are appointed in accordance with state housing law and generally serve in the same capacity as the directors of a corporation. The Board establishes policies under which the LACDA conducts business and ensures that those policies are followed by LACDA staff. The Board is responsible for preserving and expanding the agency's resources and assuring the agency's continued viability and success.

Formal actions of the LACDA are taken through written resolutions, adopted by the Board, and entered into the official records of the LACDA.

The principal staff member of the LACDA is the Executive Director (ED), who is selected and hired by the Board. The ED oversees the day-to-day operations of the LACDA and is directly responsible for carrying out the policies established by the commissioners. The ED's duties include hiring, training, and supervising the LACDA's staff, as well as budgeting and financial planning for the agency. Additionally, the ED is charged with ensuring compliance with federal and state laws, and program mandates.

The administration of the public housing program, functions, and responsibilities of the LACDA shall be in compliance with the Annual Contributions Contract (ACC), and this Admissions and Continued Occupancy Policy (herein referred as ACOP). The administration of the LACDA's housing program will also meet the requirements set forth by the U.S. Department of Housing and Urban Development (HUD). Such requirements include any Public Housing Regulations, Handbooks, and applicable Notices. All applicable Federal, State, and local laws, including Fair Housing Laws and regulations also apply. Changes in applicable federal laws or regulations shall supersede provisions in conflict with this policy. Federal regulations shall include those found in Volume 24 Code of Federal Regulations (CFR), Parts V, VII and IX.

### **1-I.C. LACDA's MISSION STATEMENT AND LOCAL OBJECTIVES**

#### **MISSION STATEMENT**

We build Better Lives and Better Neighborhoods

#### **LOCAL OBJECTIVES**

The ACOP demonstrates that the LACDA manages its program in a manner that reflects its commitment to improving the quality of housing available to the public, and its capacity to manage that housing in a manner that demonstrates its responsibility to the public trust. In addition, the ACOP is designed to achieve the following objectives:

- To provide improved living conditions for very low and low-income families while maintaining their rent payments at an affordable level.
- To operate housing programs that provides decent, safe, and sanitary housing within a suitable living environment for residents and their families.
- To provide opportunities for upward mobility for families who desire to achieve self-sufficiency.

#### **1-I.D. LACDA'S COMMITMENT TO ETHICS AND SERVICE**

As a public service agency, the LACDA is committed to providing excellent service to all public housing applicants, residents, and the public. In order to provide superior service, the LACDA resolves to:

- Administer applicable Federal and State laws, local laws, including Fair Housing laws, and regulations to achieve high ratings in compliance measurement indicators while maintaining efficiency in program operation to ensure fair and consistent treatment of clients served.
- Provide housing that is safe, habitable, functionally adequate, operable, and free of health and safety hazards—in compliance with the National Standards for the Physical Inspection of Real Estate: Inspection Standards (NSPIRE)—for very low- and low-income families.
- Achieve a healthy mix of incomes in its public housing developments by attracting and retaining higher income families and by working toward deconcentration of poverty goals.
- Encourage self-sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, recreational, and other human service needs.
- Promote fair housing and the opportunity for very low- and low-income families of all races, ethnicities, national origins, religions, ethnic backgrounds, and with all types of disabilities, to participate in the public housing program and its services.
- Create positive public awareness and expand the level of family and community support in accomplishing the LACDA's mission.
- Attain and maintain a high level of standards and professionalism in day-to-day management of all program components.
- Administer an efficient, high-performing agency through continuous improvement of the LACDA's support systems and commitment to our employees and their development.

The LACDA will make every effort to keep residents informed of program rules and regulations, and to advise participants of how the program rules affect them.

## **PART II: THE PUBLIC HOUSING PROGRAM**

### **1-II.A. OVERVIEW AND HISTORY OF THE PROGRAM**

The intent of this section is to provide the public and staff an overview of the history and operation of public housing.

The United States Housing Act of 1937 (the “Act”) is responsible for the birth of federal housing program initiatives, known as public housing. The Act was intended to provide financial assistance to states and cities for public works projects and the development of affordable housing for low-income residents. There have been many changes to the program since its inception in 1937.

The Housing Act of 1965 established the availability of federal assistance, administered through local public agencies, to provide rehabilitation grants for home repairs and rehabilitation. This act also created the federal Department of Housing and Urban Development (HUD).

The Housing Act of 1969 created an operating subsidy for the public housing program for the first time. Until that time, public housing was a self-sustaining program.

In 1998, the Quality Housing and Work Responsibility Act (QHWRA) – also known as the Public Housing Reform Act or Housing Act of 1998 – was signed into law. Its purpose was to provide more private sector management guidelines to the public housing program and provide residents with greater choices. It also allowed PHAs more remedies to replace or revitalize severely distressed public housing developments. Highlights of the Reform Act include: the establishment of Flat Rents; the requirement for PHAs to develop Five-Year Annual Plans; income targeting, a requirement that 40% of all new admissions in public housing during any given fiscal year be reserved for extremely low-income families; and resident self-sufficiency incentives.

On July 29, 2016, the Housing Opportunity Through Modernization Act of 2016 (HOTMA) was signed into law. HOTMA made numerous changes to statutes governing HUD programs, including sections of the United States Housing Act of 1937. Title I of HOTMA contains 14 different sections that impact the public housing and Section 8 programs. The Final Rule implementing broad changes to income and assets in Sections 102 and 104 of HOTMA, and for PHAs that administer the public housing program over-income provisions in Section 103. The Final Rule was officially published in the Federal Register on February 14, 2023, and revises HUD regulations to put sections 102, 103, and 104 of HOTMA into effect. These sections make changes to the United States Housing Act of 1937, particularly those affecting income calculation, reviews, and program eligibility.

On September 29, 2023, HUD issued notice PIH 2023-27, which provided guidance to PHAs on the implementation of the program changes described in the Final Rule. The LACDA will be in full compliance with the HOTMA final rule in accordance with HUD by January 1, 2025, to implement the broader income and asset changes in Section 102 and 104.

## **I-II.B. POSTING OF REQUIRED INFORMATION**

The LACDA will maintain a bulletin board in a conspicuous area of the management offices which will contain:

- ADA 504 Notice
- An Equal Opportunity in Employment Poster
- Current Schedule of Routine Maintenance Charges and Lock-out Charges
- Current Resident Notices
- Fair Housing Poster
- Flat Rents Schedule
- LACDA Service Animal Notice
- Notice to Applicants and Residents with Disabilities of LACDA's Policy Regarding Reasonable Accommodations and Reasonable Modifications
- Notices Summarizing the Rights of Limited English Proficiency (LEP) Individuals
- Required Public Notices
- Utility Allowances Schedule
- Violence Against Women (VAWA) Poster

## **I-II.C. VIOLENCE AGAINST WOMEN ACT**

The LACDA's policy is to comply with the 2013 Violence Against Women Reauthorization Act (VAWA) Public Law 113-4-March 7, 2013, and the clarifying VAWA policies in the Federal Register, "Violence Against Women Reauthorization Act of 2013: Implementation in HUD Housing Programs" published on November 16, 2016. The LACDA shall not discriminate against an applicant, or public housing resident on the basis of the rights or privileges provided under VAWA.

The LACDA will provide a "Notice of Occupancy Rights under the Violence Against Women Act" HUD form-5380 and "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation" HUD form-5382 published in December 2016 to an applicant that is denied assistance, at Lease-In when a new household is admitted into the program and when a resident is notified of eviction or termination of assistance.

## **I-II.D. FAMILY OUTREACH**

The LACDA will disseminate information to publicize the availability of housing units and housing-related services for very low-income families on a regular basis.

The LACDA will communicate the status of housing availability to other service providers in the community. The LACDA will advise them of housing eligibility factors and guidelines so that service providers can make proper referrals for those who seek housing.

## **I-II.E. PRIVACY STATEMENT**

Applicants and participants, including all adults in their households, are required to sign the form HUD-9886-A, "Authorization for Release of Information and Privacy Act Notice." This

document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD will release family information.

The LACDA's policy regarding release of information is in accordance with State and local laws which may restrict the release of family information.

### **I-II.F. CONFIDENTIALITY**

It is the policy of the LACDA to comply fully with all Federal, State, and local laws and with rules and regulations governing Confidentiality in housing. Each LACDA staff signs a "Confidentiality Agreement" at the commencement of their employment and participates in an annual Confidentiality and Security Awareness training. Designated staff is also required to sign the Enterprise Income Verification (EIV) Rules of Behavior at their initial EIV training. LACDA staff agrees not to disclose any applicant/resident information, directly or indirectly, that is of a personal, private, and confidential nature, to any person the information does not pertain to, or use such information in any way, either during the term of their employment or at any other time thereafter, except as follows:

- To an officer, authorized employee, or authorized representative of the LACDA who has a job related need to have access to the information in connection with admission of applicants, eviction of tenants, or termination of assistance;
- If the resident/applicant (or resident's/applicant's parent/guardian if tenant is a minor) consents in writing;
- If disclosure is allowed by Court Order;
- If disclosure is made to medical personnel in a medical emergency;
- To the duly court appointed guardian or conservator of the individual;
- To a law enforcement or regulatory agency, if the use of the information requested is in an investigation of unlawful activity under the jurisdiction of the requesting agency or for licensing, certification, or regulatory purposes by that agency;
- To any person pursuant to a subpoena, court order, or other compulsory legal process if, before the disclosure, the LACDA reasonably attempts to notify the individual to whom the record pertains, and if the notification is not prohibited by law;
- Disclosure of any information about suspected child or elder abuse and/or neglect reported to appropriate state or local authorities pursuant to state or local law.
- To share resident information that is necessary to determine eligibility for County welfare department programs or services for which the client has applied or is receiving, as authorized by the State of California Health and Safety Code, section 34217.
- To report all former residents in the EIV System who were terminated for adverse actions or who left the program owing money to the LACDA.
- To any individual or organization provided by the applicant/resident on Form HUD-92006 to the LACDA. Information shared with the individual or organization is limited to the reason(s) the individual may be contacted, as provided by Form HUD-92006.
- To an individual who has been given power of attorney by the applicant or resident.

By signing the “Confidentiality Agreement and HUD’s EIV Rules of Behavior Agreement” the LACDA staff agrees that all applicant and resident files, personal identification information (PII), documents and similar items relating to their employment, benefits, bank accounts, etc. whomever prepared by, are and shall remain exclusively the property of the LACDA. Files may be removed from the premises ONLY with the express consent of the Executive Director or his/her designee. A violation of the “Confidentiality Agreement and/or the EIV Rules and Behavior” may result in disciplinary action up to and including termination of employment. The unauthorized release of information may subject the LACDA and the LACDA staff to civil action under the Quality Housing and Work Responsibility Act of 1998.

## **1-II.G. PUBLIC HOUSING PROGRAM BASICS**

HUD writes and publishes regulations to implement public housing laws enacted by Congress. HUD contracts with the LACDA to administer programs in accordance with HUD regulations and provides an operating subsidy to the LACDA. The LACDA must create written policies that are consistent with HUD regulations. Among these policies is the LACDA’s Admissions and Continued Occupancy Policy (ACOP). The ACOP must be approved by the Board of Commissioners of the LACDA.

The job of the LACDA pursuant to HUD regulations is to provide safe, habitable dwelling units to low-income families at an affordable rent. The LACDA screens applicants for public housing and, if they are determined to be eligible for the program, the LACDA makes an offer of a housing unit. If the applicant accepts the offer, the LACDA and the applicant will enter into a written lease agreement. At this point, the applicant becomes a resident in the public housing program.

In the context of the public housing program, a resident is defined as the adult person(s) (other than a live-in aide who (1) executed the lease with the LACDA as lessee of the dwelling unit, (2) who resides in the unit, and who is the remaining head of household of the resident family residing in the dwelling unit. [24 CFR 966.53]. The Public Housing Occupancy Guidebook refers to tenants as “**residents**”. Additionally, this policy uses the term “family” or “families” for residents or applicants, depending on context.

Since the LACDA owns the public housing developments, the LACDA is the “Landlord”. The LACDA must comply with all of the legal and management responsibilities of a landlord in addition to administering the program in accordance with HUD regulations and LACDA policy.

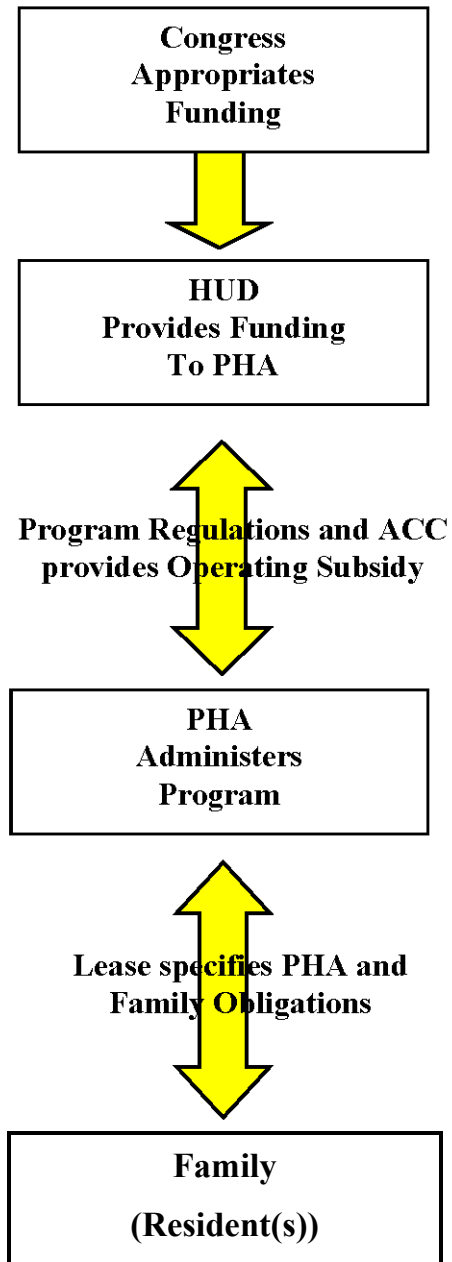
## **1-II.H. PUBLIC HOUSING PARTNERSHIPS**

To administer the public housing program, the LACDA must enter into an Annual Contributions Contract (ACC) with HUD. The LACDA also enters into a contractual relationship with the resident through the public housing lease. These contracts define and describe the roles and responsibilities of each party.

In addition to the ACC, the LACDA and family must also comply with federal regulations and other HUD publications and directives. For the program to work and be successful, all parties involved – HUD, LACDA, and the resident(s) – play an important role.

The chart on the following page illustrates key aspects of these relationships.

## The Public Housing Relationships



### **What does HUD do?**

Federal law is the source of HUD responsibilities. HUD has the following major responsibilities:

- Develop regulations, requirements, handbooks, notices, and other guidance to implement housing legislation passed by Congress; Allocate operating subsidies to PHAs;
- Allocate capital funding to PHAs;
- Provide technical assistance to PHAs on interpreting and applying program requirements; and
- Monitor PHA compliance with program requirements and PHA performance in program administration.

### **What does the LACDA do?**

LACDA'S responsibilities originate in federal regulations and the ACC. The LACDA owns and manages public housing developments, administers the program under contract with HUD and has the following major responsibilities:

- Ensure compliance with all non-discrimination, equal opportunity, and fair housing laws, and ensure that the program is accessible to persons with disabilities;
- Establish local policies and procedures for operating the program;
- Accept applications from interested applicant families and determine whether they are income eligible for the program;
- Maintain waiting list and select families for admission;
- Screen applicant families for suitability as renters;
- Maintain housing units by making any necessary repairs in a timely manner;
- Make unit offers to families (minimize vacancies without overcrowding);
- Maintain properties to the standard of safe, habitable dwelling units (including assuring compliance with National Standards for the Physical Inspection of Real Estate (NSPIRE));
- LACDA ensures it has adequate financial resources to maintain its housing stock;
- Perform regular reexaminations of family income and composition in accordance with HUD requirements;
- Collect rent due from the assisted family and comply with and enforce provisions of the lease;
- Ensure that families comply with program rules and family obligations;
- Provide families with prompt and professional service; and
- Comply with all Fair Housing and Equal Opportunity requirements, HUD regulations and requirements, the ACC, HUD-approved applications for funding, the LACDA's ACOP, and other applicable Federal, State and local laws.

### **What does the resident do?**

The resident's responsibilities are articulated in the Public Housing Lease and Family Obligations. The tenant has the following broad responsibilities:

- Comply with the terms of the lease and LADCA house rules, and family obligations;
- Provide the LACDA with complete and accurate information, determined by the LACDA to be necessary for administration of the program by the designated due date;
- Cooperate in attending all appointments (i.e., office, virtual, or phone appointments) as scheduled by the LACDA;
- Allow the LACDA to inspect the unit at reasonable times and after reasonable notice;
- Take responsibility for care of the housing unit, including any violations of NSPIRE caused by the family;
- Not engage in drug-related or violent criminal activity;
- Notify the LACDA before moving or termination of the lease in accordance with the lease notification requirements;
- Use the assisted unit only for residence and as the sole residence of the family. Not sublet the unit or assign the lease;
- Notify the LACDA of any changes in family composition or income within 10-days of the occurrence;
- Not commit fraud, bribery, or any other corrupt or criminal act in connection with any housing programs; **and**
- Report maintenance problems to the LACDA promptly.

If all parties fulfill their obligations in a professional and timely manner, the program responsibilities will be fulfilled in an effective manner.

## **1-II.I. APPLICABLE REGULATIONS**

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 35: Lead-Based Paint
- 24 CFR Part 902: Public Housing Assessment System
- 24 CFR Part 903: Public Housing Agency Plans
- 24 CFR Part 945: Designated Housing
- 24 CFR Part 960: Admission and Occupancy Policies
- 24 CFR Part 965: PHA-Owned or Leased Projects – General Provisions
- 24 CFR Part 966: Lease and Grievance Procedures

## **PART III: THE ADMISSIONS AND CONTINUED OCCUPANCY POLICIES**

### **1-III.A. OVERVIEW AND PURPOSE OF THE POLICY**

The purpose of the ACOP is to establish guidelines for the LACDA staff to follow in determining eligibility for admissions and continued occupancy. The written statement of policies used to carry out the housing program in accordance with federal law and regulations, and HUD requirements with latitude for local polies and procedures. These policies and procedures for admissions and continued occupancy are binding upon applicants, residents, and the LACDA.

The ACOP is required by HUD, and it must be available for public review [CFR 24 Part 903]. The ACOP also contains policies that support the objectives contained in the LACDA's Agency Plan.

All issues related to Public Housing program not addressed in this ACOP are governed by federal regulations, HUD handbooks and guidebooks, notices and applicable state and local laws. The policies in this ACOP have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding. The LACDA is responsible for complying with all changes in HUD regulations pertaining to public housing. If such changes conflict with this plan, HUD regulations will have precedence.

The LACDA Board of Commissioners must approve the original policy and any changes. Required portions of the ACOP will be provided to HUD.

### **1-III.B. CONTENTS OF THE POLICY**

Individual regulations contain requirements of inclusion in the LACDA written policy. At a minimum, the ACOP plan should cover LACDA policies on these subjects:

- The organization of the waiting list and how families are selected and offered available units, including, LACDA's admission preferences, procedures for removing applicants from the waiting list(s), and procedures for closing and reopening the LACDA's Public Housing Program waiting list(s) (Chapters 4 and 5);
- Transfer policies and the circumstances under which a transfer would take precedence over an admission (Chapter 12);
- Standards for determining eligibility, suitability for tenancy and occupancy (Chapters 3 and 5);
- Occupancy Standards used to determine the appropriate development and unit size for families (Chapters 3 and 5);
- Procedures for verifying the information the family has provided (Chapter 7);
- The method for achieving deconcentration of poverty and income-mixing of public housing developments (Chapter 4);
- Grievance procedures (Chapter 14);
- Policies concerning payment by a family to the LACDA of amounts the family owes the LACDA (Chapter 15 and 16);

- Annual and Interim redeterminations of family income and composition (Chapter 9);
- Policies regarding Community Service Requirements (CSSR) (Chapter 11);
- Policies and rules about safety, approval, and ownership of pets in public housing (Chapter 10).
- Program Integrity

### **Mandatory vs. Discretionary Policy**

HUD makes a distinction between mandatory policies and non-mandatory policies:

- Mandatory policies: those driven by legislation, regulations, current handbooks, current PIH notices, and legal opinions from the Office of General Counsel.
- Optional, non-binding guidance: includes guidebooks, FAQs, PIH notices that have expired, and recommendations from individual HUD staff.

HUD expects LACDA to develop policies and procedures that are consistent with mandatory policies and to make clear the optional policies the LACDA has adopted. The ACOP is comprised of mandatory policies and optional LACDA policy. HUD emphasizes the need for a clearly written and comprehensive ACOP to guide staff in the clear and consistent application of policy.

HUD suggestions, recommendations, written issuances, and guidance are consistent with mandatory federal policy. Therefore, using HUD guidance in the preparation of LACDA policy, even though it is not mandatory, provides a LACDA with a “**safe harbor**.” If THE LACDA adopts an alternative policy, it must make its own determination that such policy is consistent with legislation, regulations, and other mandatory requirements. There may be very good reasons for adopting a policy or procedure that is different than that suggested by HUD, but LACDA should carefully think through those decisions and be able to articulate how their policy is consistent with federal laws, regulations, and mandatory policy.

### **1-III.C. PURPOSE OF THE POLICY**

The purpose of the ACOP is to establish guidelines for the LACDA staff to follow in determining eligibility for admission and continued occupancy. These guidelines are governed by the requirements set forth by HUD with latitude for local policies and procedures. These policies and procedures for admissions and continued occupancy are binding upon applicants, residents, and the LACDA.

The LACDA Board of Commissioners must approve the original policy and any changes. Required portions of the ACOP will be provided to HUD.



## **Chapter 2**

### **FAIR HOUSING AND EQUAL OPPORTUNITY**

#### **INTRODUCTION**

This chapter explains the laws and HUD regulations requiring LACDAs to affirmatively further civil rights and fair housing in all federally assisted housing programs. The letter and spirit of these laws are implemented through consistent policy and procedures. The responsibility for further nondiscrimination pertains to all areas of the LACDA's public housing operations.

This chapter describes HUD regulations and LACDA policies related to these topics in three parts:

Part I: Nondiscrimination and Fair Housing Policies. This part presents the body of laws and regulations governing the responsibilities of the LACDA regarding nondiscrimination.

Part II: Policies Related to Persons with Disabilities. This part discusses the rules and policies of the public housing program related to reasonable accommodation for persons with disabilities. These rules and policies are based on the Fair Housing Act (42.U.S.C.) and Section 504 of the Rehabilitation Act of 1973 and incorporate guidance from the Joint Statement of The Department of Housing and Urban Development and the Department of Justice (DOJ), issued May 17, 2004.

Part III: Prohibition of Discrimination Against Limited English Proficiency Persons. This part details the obligations of the LACDA to ensure meaningful access to the public housing program and its activities by persons with limited English proficiency (LEP). This part incorporates the Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons published January 22, 2007, in the *Federal Register*.

## **PART I: NONDISCRIMINATION AND FAIR HOUSING POLICIES**

### **2-I.A. NONDISCRIMINATION**

It is the policy of the Los Angeles County Development Authority (LACDA), to comply with the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601 et seq., by ensuring that housing is available to all persons without regard to race, color, religion, national origin, disability, familial status (having children under age 18), or sex. This policy means that, among other things, LACDA and its agents or employees must not discriminate in any aspect of housing, including but not limited to denying persons access to housing, because of race, color, religion, national origin, disability, familial status, or sex. Such agents and employees may not:

- a. Make unavailable or deny a dwelling to any person because of race, color, religion, national origin, disability, familial status, or sex;
- b. Discriminate against any person in the terms, conditions, or privileges of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, disability, familial status, or sex;
- c. Make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, disability, familial status, or sex, or an intention to make any such preference, limitation, or discrimination; or
- d. Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by the Fair Housing Act. Any agent or employee who fails to comply with this non-discrimination policy will be subject to appropriate disciplinary action.

Any action taken by an agent or 1-4 Los Angeles County Development Authority employee that results in the unequal treatment of citizens on the basis of race, color, religion, national origin, disability, familial status, or sex, may constitute a violation of state and federal fair housing laws. An individual who believes that he or she is the victim of discrimination may contact the U.S. Department of Housing and Urban Development at 1-800-669-9777, or the U.S. Department of Justice at 1-202-353-1555.

#### **Providing Information to Families**

The LACDA will take steps to ensure that families are fully aware of all applicable Civil Rights laws. As part of the public housing orientation process, the LACDA will provide information to public housing applicant families about Civil Rights requirements.

## **2-I.B. DISCRIMINATION COMPLAINTS**

### **General Housing Discrimination Complaints**

If an applicant or tenant family believes that any family member has been discriminated against by the LACDA, the family should advise the LACDA. The LACDA should make every reasonable attempt to determine whether the applicant or tenant family's assertions have merit and take any warranted corrective action.

In all cases, the LACDA will advise the family that they may file a Fair Housing complaint if the family feels they have been discriminated against under the Fair Housing Act.

Applicants or residents who believe that they have been subject to unlawful discrimination may notify the LACDA either orally or in writing.

Within 10 business days of receiving the complaint, the LACDA will investigate and attempt to remedy discrimination complaints made against the LACDA. The LACDA will also advise the family of their right to file a Fair Housing complaint with HUD's Office of Fair Housing and Equal Opportunity (FHEO). The Fair Housing poster, posted in conspicuous and accessible locations in LACDA lobbies, will reference how to file a complaint with FHEO.

The LACDA will keep a record of all complaints, investigations, notices, and corrective actions. (See Chapter 16.)

### **Complaints under the Equal Access Final Rule [Notice PIH 2014-20]**

Notice PIH 2014-20 requires an articulated complaint process for allegations of discrimination under the Equal Access Final rule. The Equal Access Final Rule requires that LACDA provide equal access regardless of marital status, gender identity, or sexual orientation. The LACDA will be informed on these obligations by the HUD Field Office or FHEO when an Equal Access complaint investigation begins.

#### **LACDA Policy**

Applicants or residents who believe that they have been subject to unlawful discrimination based on marital status, gender identity, or sexual orientation under the Equal Access Rule may notify the LACDA either orally or in writing.

Within 10 business days of receiving the complaint, the LACDA will provide a written notice to those alleged to have violated the rule. The LACDA will also send a written notice to the complainant informing them that notice was sent to those alleged to have violated the rule, as well as information on how to complete and submit a housing discrimination complaint form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

The LACDA will attempt to remedy discrimination complaints made against the LACDA and will conduct an investigation into all allegations of discrimination.

Within 10 business days following the conclusion of the LADCA's investigation, the LACDA will provide the complainant and those alleged to have violated the rule with findings and either a proposed corrective action plan or an explanation of why corrective action is not warranted.

The LACDA will keep a record of all complaints, investigations, notices, and corrective actions. (See Chapter 16.)

## **2-I.C. VIOLANCE AGAINST WOMEN ACT (VAWA)**

### **Complaint Processing [Notice FHEO 2023-01]**

A complainant may, not later than one year after an alleged VAWA violation has occurred or terminated, file a complaint with FHEO alleging such violation. If there is a violation that began prior to a year before the complaint is filed, but it continues into the one-year time period, HUD will accept the complaint. FHEO will investigate the complaint if it is timely and FHEO otherwise has jurisdiction. If a complaint is filed more than one year after the alleged violation occurred or terminated, FHEO may, but is not required to, investigate the allegations under the additional authority and procedures described in FHEO 2023-01.

Complaints do not need to allege a violation of the Fair Housing Act for FHEO to accept and investigate the complaint.

Applicants or residents who wish to file a VAWA complaint LACDA may notify the LACDA either orally or in writing. Include your name, address, the name and address of the person you are complaining about, the date when the incident occurred, and a short description of what happened, and mail to Don Swift, Assistant Director at [@don.swift@lacda.org](mailto:@don.swift@lacda.org) or call (626)586-1643.

The LACDA will advise the family of their right to file a VAWA complaint with HUD's Office of Fair Housing and Equal Opportunity (FHEO). The LACDA will inform the family that not later than one year after an alleged VAWA violation has occurred or terminated, applicants and tenants who believe they have been injured by a VAWA violation or will be injured by such a violation that is about to occur may file a VAWA complaint using FHEO's online complaint form at [www.hud.gov/fairhousing/filecomplaint](http://www.hud.gov/fairhousing/filecomplaint), via mail at San Francisco Regional Office of FHEO, U.S. Department of Housing and Urban Development, One Sansome Street Suite 1200, San Francisco, CA 94104, email at [ComplaintsOffice09@hud.gov](mailto:ComplaintsOffice09@hud.gov), or telephone at (1800) 669-9777 or TTY (800) 877-8339.

The LACDA will attempt to remedy complaints made against the LACDA and will conduct an investigation into all allegations of discrimination.

The LACDA will keep a record of all complaints, investigations, notices, and corrective actions. (See Chapter 16.)

**Note:** Per FHEO Notice, VAWA Compliant Processing is as follows:

HUD will accept complaints, investigate them, and enforce VAWA using its Fair Housing Act complaint processes, which are specified in its current fair housing regulations. See 42 U.S.C. §§ 3610; 3612; 24 C.F.R. Part 103 – Fair Housing Complaint Processing; 24 C.F.R. Part 180 – Consolidated HUD Hearing Procedures for Civil Rights Matters. VAWA complaints do not need to allege a violation of the Fair Housing Act for FHEO to accept and investigate the complaint. Individuals who believe they have been injured by a VAWA violation or will be injured by such a violation that is about to occur may file a VAWA complaint using FHEO's online complaint form at [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/online%20complaint](https://www.hud.gov/program_offices/fair_housing_equal_opp/online%20complaint). FHEO will accept and begin investigating such complaints on October 1, 2022. As with Fair Housing Act complaints, FHEO will also accept VAWA complaints via mail, email, or telephone.

## **2-I.D. FAIR HOUSING POLICY**

It is the policy of the LACDA to fully comply with all Federal, State, and local nondiscrimination laws, and with rules and regulations governing Fair Housing and Equal Opportunity in housing and employment. The LACDA will comply with all laws relating to Civil Rights, including but not limited to:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Executive Orders 11063 and 13988
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the *Federal Register* February 3, 2012, and further clarified in Notice PIH 2014-20
- The Violence against Women Act (VAWA)
- Any applicable State laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted.

When more than one Civil Rights law applies to a situation, the laws will be read and applied together.

The LACDA shall not discriminate on the basis of race, color, religion, sex, gender, gender identity and expression, family status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18), national origin, marital status, ancestry, age, sexual orientation, disability, medical condition, source of income, genetic information, military and veteran status, arbitrary characteristics, or any other basis prohibited by law in the leasing, rental, or any other disposition of housing or related facilities, including land, that is part of any development or developments under the LACDA's jurisdiction covered by a contract for annual contributions under the United States Housing Act of 1937, as amended, or in the use or occupancy thereof.

Posters and housing information are displayed in locations throughout the LACDA's office in such a manner as to be easily readable from a wheelchair.

The LACDA's facilities are accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the TDD telephone service provider.

The LACDA shall not, on account of race, color, religion, sex, gender, gender identity and expression, family status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18), national origin, marital status, ancestry, age, sexual orientation, disability, medical condition, source of income,

genetic information, military and veteran status, arbitrary characteristics, or any other basis prohibited by law:

Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to lease housing suitable to their needs;

Provide housing that is different from that provided to others;

Subject a person to segregation or disparate treatment;

Restrict a person's access to any benefit enjoyed by others in connection with the housing program;

Treat a person differently in determining eligibility or other requirements for admission; or deny a person access to the same level of services.

The LACDA shall not automatically deny admission to a particular group or category of otherwise qualified applicants (e.g., families with children born to unmarried parents, elderly families with pets).

## **PART II: REASONABLE ACCOMMODATIONS AND REASONABLE MODIFICATIONS**

### **2-II.A. OVERVIEW**

One type of disability discrimination prohibited by the Fair Housing Act is the refusal to make reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford a person with a disability the equal opportunity to use and enjoy a program or dwelling under the program.

The LACDA must ensure that persons with disabilities have full access to the LACDA's programs and services. This responsibility begins with the first inquiry of an interested family and continues through every programmatic area of the public housing program [24 CFR 8].

The PHA must provide a notice to each tenant that the tenant may, at any time during the tenancy, request reasonable accommodation of a handicap of a household member, including reasonable accommodation so that the tenant can meet lease requirements or other requirements of tenancy [24 CFR 966.7(b)].

#### LACDA's Policy

The LACDA's policies and practices will be designed to provide assurances that all persons with disabilities will be provided reasonable accommodations and reasonable modifications, so that they may fully access and utilize the housing program and related services. All requests for a reasonable accommodation and reasonable modification will be verified so that the LACDA can properly accommodate the need presented by the disability. All Residents will be provided with a copy of the "Notice to Applicants and Residents with Disabilities of the Los Angeles County Development Authority Policy Regarding Reasonable Accommodations and Reasonable Modifications" at Lease-In. All Residents will be provided with reasonable accommodation and reasonable modification request information during the following: Lease-In Application; Annual Reexamination; and during adverse actions. The Notice provides applicants and residents with their rights to and procedures to request a reasonable accommodation and/or reasonable modification.

This policy is applicable to all situations described in the ACOP including but not limited to when a family initiates contact with the LACDA, when the LACDA initiates contact with a family including when a family applies, and when the LACDA schedules or reschedules appointments of any kind.

Person with a Disability or People with Disabilities refers to a person who has:

A physical or mental impairment that limits one or more major life activities such as caring for oneself, manual tasks, walking, seeing, hearing, speaking, breathing or learning;

A record of such impairment; or

Being regarded as having such impairment, and includes all people covered by either federal or state law.

## **2-II.B. DEFINITION OF REASONABLE ACCOMMODATION**

A “reasonable accommodation” is a change, exception, or adjustment to a policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since policies and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling. [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]

- A. A request for a reasonable accommodation may be made at ANY time during the initial application process and throughout the tenancy. The request can be made orally to any staff member or in writing to the LACDA.
- B. It is unlawful for the LACDA to refuse to make reasonable accommodations when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling.
- C. To show that a requested accommodation may be necessary, there must be an identifiable relationship, or NEXUS, between the requested accommodation and the individual's disability.
- D. A request for accommodation must be reasonable, i.e., does not pose an undue financial and administrative burden to the LACDA or require a fundamental change to LACDA's housing programs

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for the LACDA or result in a “fundamental alteration” in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider's operations.

### **Types of Reasonable Accommodations**

When it is reasonable (see definition above and Section 2-II.E), the LACDA shall accommodate the needs of a person with disabilities. Examples include but are not limited to:

- Permitting applications and reexaminations to be completed by mail
- Providing “large-print” forms
- Conducting home visits
- Permitting a higher utility allowance for the unit if a person with disabilities requires the use of specialized equipment related to the disability
- Modifying or altering a unit or physical system if such a modification or alteration is necessary to provide equal access to a person with a disability
- Installing a ramp into a dwelling or building
- Installing grab bars in a bathroom
- Installing visual fire alarms for hearing impaired persons
- Allowing a LACDA-approved live-in aide to reside in the unit if that person is determined to be

essential to the care of a person with disabilities, is not obligated for the support of the person with disabilities and would not be otherwise living in the unit.

- Providing a designated handicapped-accessible parking space
- Allowing an assistance animal
- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with LACDA staff
- Displaying posters and other housing information in locations throughout the LACDA's office in such a manner as to be easily readable from a wheelchair

## **2-II.C. REQUEST FOR AN ACCOMMODATION**

If an applicant or resident indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, HUD requires that the LACDA treat the information as a request for a reasonable accommodation, even if no formal request is made [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

The family must explain what type of accommodation is needed to provide the person with the disability full access to the LACDA's programs and services.

If the need for the accommodation is not readily apparent or known to the LACDA, the family must explain the relationship between the requested accommodation and the disability.

### LACDA Policy

The LACDA will encourage the family to make its request in writing using a reasonable accommodation request form. However, the LACDA will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.

## **2-II.D. VERIFICATION OF DISABILITY**

The regulatory civil rights definition for persons with disabilities is provided in Exhibit 2-1 at the end of this chapter. The definition of a person with a disability for the purpose of obtaining a reasonable accommodation is much broader than the HUD definition of disability which is used for waiting list preferences and income allowances.

Before providing an accommodation, the LACDA must determine that the person meets the definition of a person with a disability, and that the accommodation will enhance the family's access to the LACDA's programs and services.

If a person's disability is obvious or otherwise known to the LACDA, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to the LACDA, the LACDA must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.

When verifying a disability, the LACDA will follow the verification policies provided in Chapter 7. All information related to a person's disability will be treated in accordance with the confidentiality policies provided in Chapter 16 (Program Administration). In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability:

- Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].
- The LACDA must request only information that is necessary to evaluate the disability-related need for the accommodation. The LACDA may not inquire about the nature or extent of any disability.
- Medical records will not be accepted or retained in the participant file.
- In the event that the LACDA does receive confidential information about a person's specific diagnosis, treatment, or the nature or severity of the disability, the LACDA will dispose of it. In place of the information, the LACDA will note in the file that the disability and other requested information have been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the information [Notice PIH 2010-26].

## **2-II.E. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION** [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act, Notice PIH 2010-26]

The LACDA must approve a request for an accommodation if the following three conditions are met.

- The request was made by or on behalf of a person with a disability.
- There is a disability-related need for the accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the LACDA, or fundamentally alter the nature of the LACDA's operations.

Requests for accommodations must be assessed on a case-by-case basis. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as the overall size of the LACDA's program with respect to the number of employees, type of facilities and size of budget, type of operation including composition and structure of workforce, the nature and cost of the requested accommodation, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

Before making a determination whether to approve the request, the LACDA may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that the LACDA may verify the need for the requested accommodation.

### LACDA Policy

After a request for an accommodation is presented, the LACDA will respond, in writing,

within 10 business days.

If the LACDA denies a request for an accommodation because there is no relationship, or nexus, found between the disability and the requested accommodation, the notice will inform the family of the right to appeal the LACDA's decision through an informal hearing (if applicable) or the grievance process (see Chapter 14).

If the LACDA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the LACDA's operations), the LACDA will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the public housing program and without imposing an undue financial and administrative burden.

If the LACDA believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, the LACDA will notify the family, in writing, of its determination within 10 business days from the date of the most recent discussion or communication with the family. The notice will inform the family of the right to appeal the LACDA's decision through an informal hearing (if applicable) or the grievance process (see Chapter 14).

## **2-II.F. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS**

HUD regulations require the LACDA to take reasonable steps to ensure that persons with disabilities related to hearing and vision have reasonable access to the LACDA's programs and services [24 CFR 8.6].

At the initial point of contact with each applicant, the LACDA shall inform all applicants of alternative forms of communication that can be used other than plain language paperwork.

### **LACDA Policy**

To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication will be available.

To meet the needs of persons with vision impairments, large-print and audio versions of key program documents will be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with LACDA staff, one-on-one assistance will be provided upon request.

Additional examples of alternative forms of communication are sign language interpretation; having material explained orally by staff; or having a third-party representative (a friend, relative or advocate, named by the applicant) to receive, interpret and explain housing materials and be present at all meetings.

## **2-II.G. PHYSICAL ACCESSIBILITY**

The LACDA must comply with a variety of regulations pertaining to physical accessibility, including the following.

- Notice PIH 2010-26
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act of 1990
- The Architectural Barriers Act of 1968
- The Fair Housing Act of 1988

The LACDA's policies concerning physical accessibility must be readily available to applicants and resident families. They can be found in three key documents.

- This policy, the Admissions and Continued Occupancy Policy, describes the key policies that govern the LACDA's responsibilities with regard to physical accessibility.
- Notice PIH 2010-26 summarizes information about pertinent laws and implementing regulations related to nondiscrimination and accessibility in federally-funded housing programs.
- The LACDA Plan provides information about self-evaluation, needs assessment, and transition plans.

The design, construction, or alteration of LACDA facilities must conform to the Uniform Federal Accessibility Standards (UFAS). Notice PIH 2010-26 contains specific information on calculating the percentages of units for meeting UFAS requirements.

Newly-constructed facilities must be designed to be readily accessible to and usable by persons with disabilities. Alterations to existing facilities must be accessible to the maximum extent feasible, defined as not imposing an undue financial and administrative burden on the operations of the public housing program.

## **2-II.H. DENIAL OR TERMINATION OF ASSISTANCE**

A LACDA's decision to deny or terminate the assistance of a family that includes a person with disabilities is subject to consideration of reasonable accommodation [24 CFR 966.7].

When applicants with disabilities are denied assistance, the notice of denial must inform them of their right to request an informal hearing [24 CFR 960.208(a)].

When a family's lease is terminated, the notice of termination must inform the family of their right to request a hearing in accordance with the LACDA's grievance process [24 CFR 966.4(l)(3)(ii)].

When reviewing reasonable accommodation requests, the LACDA must consider whether reasonable accommodation will allow the family to overcome the problem that led to the LACDA's decision to deny or terminate assistance. If a reasonable accommodation will allow the family to meet the requirements, the LACDA must make the accommodation [24 CFR 966.7].

In addition, the LACDA must provide reasonable accommodation for persons with disabilities to participate in the hearing process [24 CFR 966.56(h)].

## **PART III: IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)**

### **2-III.A. OVERVIEW**

Language for Limited English Proficiency Persons (LEP) can be a barrier to accessing important benefits or services, understanding, and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the public housing program. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally-assisted programs and activities may violate the prohibition under Title VI against discrimination on the basis of national origin. This part incorporates the Final Guidance to Federal Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons, published January 22, 2007, in the *Federal Register*.

The LACDA will take affirmative steps to communicate with people who need services or information in a language other than English. These persons will be referred to as Persons with Limited English Proficiency (LEP).

LEP persons are defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. For the purposes of this Admissions and Continued Occupancy Policy, LEP persons are public housing applicants and resident families, and parents and family members of applicants and resident families.

### **2-III.B. MEANINGFUL ACCESS-FOUR ANALYSIS**

In order to determine the level of access needed by LEP persons, the LACDA will balance the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the public housing program; (2) the frequency with which LEP persons come into contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the LACDA and costs. Balancing these four factors will ensure meaningful access by LEP persons to critical services while not imposing undue burdens on the LACDA.

### **ORAL INTERPRETATION**

The LACDA will offer competent interpretation services free of charge, upon request, to the LEP person.

#### LACDA Policy

When exercising the option to conduct remote hearings, the LACDA will coordinate with a LACDA approved interpreters, or may access remote interpretation service which, when available, uses video conferencing technology rather than voice-only interpretation.

Where LEP persons desire, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by the LACDA. The LACDA, at its discretion, may choose to use the language services even when LEP persons desire to use an interpreter of their choosing. The interpreter may be a family member or friend. If the interpreter chosen by the family is a minor, the LACDA will not rely as on the minor to serve as the interpreter.

The LACDA will analyze the various kinds of contacts it has with the public, to assess language needs and decide what reasonable steps should be taken. "Reasonable steps" may

not be reasonable where the costs imposed substantially exceed the benefits.

Where feasible and possible, according to its language assistance plan (LAP), the LACDA will train and hire bilingual staff to be available to act as interpreters and translators, will pool resources with other LACDAs, and will standardize documents.

### **2-III.C. WRITTEN TRANSLATION**

Translation is the replacement of a written text from one language into an equivalent written text in another language.

#### **LACDA Policy**

In order to comply with written-translation obligations, the LACDA will take the following steps:

The LACDA will provide written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

If there are fewer than 50 persons in a language group that reaches the 5 percent trigger, the LACDA may not translate vital written materials, but will provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

### **2-III.D. IMPLEMENTATION PLAN**

After completing the four-factor analysis and deciding what language assistance services are appropriate, the LACDA shall determine whether it is necessary to develop a written implementation plan to address the identified needs of the LEP populations it serves.

If the LACDA determines that it is not necessary to develop a written implementation plan, the absence of a written plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to the LACDA's public housing program and services.

#### **LACDA Policy**

If it is determined that the LACDA serves very few LEP persons, and the LACDA has very limited resources, the LACDA will not develop a written LEP plan, but will consider alternative ways to articulate in a reasonable manner a plan for providing meaningful access. Entities having significant contact with LEP persons, such as schools, grassroots and faith-based organizations, community groups, and groups working with new immigrants will be contacted for input into the process.

If the LACDA determines it is appropriate to develop a written LEP plan, the following five steps will be taken: (1) Identifying LEP individuals who need language assistance; (2) identifying language assistance measures; (3) training staff; (4) providing notice to LEP persons; and (5) monitoring and updating the LEP plan.

<b>EXHIBIT 2-1: DEFINITION OF A PERSON WITH A DISABILITY UNDER FEDERAL CIVIL RIGHTS LAWS [24 CFR Parts 8.3 and 100.201]</b>
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A person with a disability, as defined under federal civil rights laws, is any person who:

- Has a physical or mental impairment that substantially limits one or more of the major life activities of an individual, or
- Has a record of such impairment, or
- Is regarded as having such impairment,

The phrase “physical or mental impairment” includes:

- Any physiological disorder or condition, cosmetic or disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term “physical or mental impairment” includes but is not limited to: such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

“Major life activities” includes, but is not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, learning, and/or working.

“Has a record of such impairment” means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

“Is regarded as having an impairment” is defined as having a physical or mental impairment that does not substantially limit one or more major life activities but is treated by a public entity (such as the LACDA) as constituting such a limitation; has none of the impairments defined in this section but is treated by a public entity as having such an impairment; or has a physical or mental impairment that substantially limits one or more major life activities, only as a result of the attitudes of others toward that impairment.

The definition of a person with disabilities does not include:

- Current illegal drug users
- People whose alcohol use interferes with the rights of others
- Persons who objectively pose a direct threat or substantial risk of harm to others that cannot be controlled with a reasonable accommodation under the public housing program.

The above definition of disability determines whether an applicant or participant is entitled to any of the protections of federal disability civil rights laws. Thus, a person who does not meet this definition of disability is not entitled to a reasonable accommodation under federal civil rights and fair housing laws and regulations.

The HUD definition of a person with a disability is much narrower than the civil rights definition of disability. The HUD definition of a person with a disability is used for purposes of receiving the disabled family preference, the \$400 elderly/disabled household deduction, the allowance for medical expenses, or the allowance for disability assistance expenses. These amounts are subject to an annual inflationary adjustment in accordance with the Consumer Price Index (CPI) and will be published yearly by HUD. The annual inflationary adjustment will be rounded by HUD to the next lowest multiple of \$25.

The definition of a person with a disability for purposes of granting a reasonable accommodation request is much broader than the HUD definition of disability. Many people will not qualify as a disabled person under the public housing program, yet an accommodation is needed to provide equal opportunity.

### **Chapter 3**

## **ELIGIBILITY AND SUITABILITY FOR ADMISSION TO PUBLIC HOUSING**

[24 CFR Part 960, Subpart B]

### **INTRODUCTION**

The LACDA is responsible for ensuring that every individual and family admitted to the public housing program meets all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by the LACDA to confirm eligibility and determine the level of the family's assistance.

### **OVERVIEW**

To be eligible for the LACDA's public housing program an applicant must meet the following criteria:

- The applicant family must:
  - Qualify as a family as defined by HUD and the LACDA.
  - Has a head of household, co-head or spouse/marital-type partner where at least one of these members is either a U.S. citizen or eligible non-citizen. (24 CFR Part 5, Subpart E).
  - Has an annual income at the time of admission that does not exceed the Income Limits for occupancy established by HUD and posted separately on the LACDA website.
  - Qualify on the basis of citizenship or the eligible immigrant status of all family members
  - Provide Social Security number information for household members as required or will provide written certification that they legally cannot obtain Social Security numbers at this time and will notify the LACDA upon receipt of a Social Security number issued by the Social Security Administration office.
  - Consent to the LACDA's collection and use of family information as provided for in LACDA or HUD provided consent forms.
  - Not currently be receiving a duplicative subsidy.
  - Meet net asset and property ownership restriction requirements.
  - Meet the Suitability Criteria as set forth in this chapter.
  - Has no outstanding debts to this LACDA, any other PHA or any other governmental agency, excluding educational loans.
  - Has no current debt to a Utility Company or has entered into a repayment agreement with the Utility Company for outstanding debts.

The LACDA must determine that the current or past behavior of household members does not include activities that are prohibited by HUD or the LACDA.

- The LACDA shall permanently deny admission to persons convicted of manufacturing or producing methamphetamine on the premises of assisted housing.

- The LACDA shall deny admission to sex offenders who are subject to a lifetime registration requirement under a State sex offender’s registration program.

**Violence Against Women Act (VAWA): Perpetrator removal or documentation of rehabilitation**

In cases where the applicant family includes the perpetrator as well as the victim, the LACDA will require either:

1. That the perpetrator be removed from the household and not reside in the unit; or
2. That the family provide documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment.
  - If the family chooses the second option, the documentation must be signed by an employee or agent of a domestic violence service provider or administrative agency, or by a mental health, medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse.
  - The signer of the documentation must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign and attest to the documentation.

**Timing for the Verification of Qualifying Factors**

The LACDA shall not verify eligibility factors until the LACDA “batches” applicant files from one of the thirteen site-based waiting lists after determining that a sufficient number of vacancies warrant a pool of eligible applicants.

This chapter contains three parts:

Part I: Definitions of Family and Household Members. This part contains HUD and LACDA definitions of family and household members and explains initial and ongoing eligibility issues related to these members.

Part II: Basic Eligibility Criteria. This part discusses income eligibility, and rules regarding citizenship, social security numbers, and family consent.

Part III: Denial of Admission. This part covers factors related to an applicant’s past or current conduct (e.g., criminal activity) that can cause the LACDA to deny admission as well as the asset limitation for public housing.

## **PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS**

### **3-I.A. OVERVIEW**

Some eligibility criteria and program rules vary depending upon the composition of the family requesting assistance. In addition, some requirements apply to the family as a whole and others apply to individual persons who will live in the public housing unit. This part provides information that is needed to correctly identify family and household members and explains HUD's eligibility rules.

### **3-I.B. FAMILY AND HOUSEHOLD [24 CFR 5.105(a)(2), 24 CFR 5.403, FR Notice 02/03/12, Notice PIH 2014-20, Notice PIH 2023-27, and FR Notice 2/14/23]**

The terms *family* and *household* have different meanings in the public housing program.

#### **Family**

To be eligible for admission, an applicant must qualify as a family. *Family* as defined by HUD, includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status, a single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; an otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age and who has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5)(H)), and is homeless or is at risk of becoming homeless at age 16 or older; or a group of persons residing together.

*Gender Identity* means actual or perceived gender characteristics.

*Sexual orientation* means homosexuality, heterosexuality, or bisexuality.

#### **Definition of Family**

The term “family” includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

A single person, who is an elderly person, displaced person, a person with disabilities, near-elderly person, or any other single person; or

A group of persons residing together, and such group include, but is not limited to:

- (1) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
- (2) An elderly family;
- (3) A near-elderly family;
- (4) A disabled family;
- (5) A displaced family;
- (6) The remaining member of a tenant family;
- (7) A foster care arrangement, or a kinship care arrangement;

- (8) Other persons, including members temporarily absent (e.g. a child temporarily placed in foster care or a student temporarily away at college), may be considered a part of the applicant family's household if they are living or will live regularly with the family;
- (9) Live-In Aides may also be considered part of the applicant family's household. However, live-in aides are not family members and have no right of tenancy or continued occupancy; and
- (10) Foster Care Arrangements include situations in which the family is caring for a foster adult, child or children in their home who have been placed there by a public child placement agency, or a foster adult or adults placed in the home by a public adult placement agency. For purposes of continued occupancy; the term family also includes the remaining member of a resident family with the capacity to execute a lease.
- (11) Elderly, disabled, and displaced families as defined by HUD in CFR 5.403.

**Other families are defined by the LACDA as follows:**

A family, other than elderly, disabled, or displaced family, is defined by the LACDA as one or more persons who intend to share residency in the public housing unit, and whose income and resources are available to meet the family's needs.

Each family must identify the individuals to be included in the family at the time of application and must update this information if the family's composition changes 30 days of the occurrence.

**Household**

*Household* is a broader term that includes additional people who, with the LACDA's authorization, live in a public housing unit, such as live-in aides, foster children, and foster adults.

### **3-I.C. FAMILY BREAKUP AND REMAINING MEMBER OF TENANT FAMILY**

#### **Family Breakup**

Except under the following conditions, the LACDA has discretion to determine which members of an assisted family continue to receive assistance if the family breaks up:

- If the family breakup results from an occurrence of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the LACDA must ensure that the victim retains assistance. (For documentation requirements and policies related to domestic violence, dating violence, sexual assault, stalking, and human trafficking see section 16-VII.D of this ACOP.)
- If a court determines the disposition of property between members of the assisted family, the LACDA is bound by the court's determination of which family members continue to receive assistance.

#### LACDA Policy

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may submit a new application with a new application date if the waiting list is open.

If a family breaks up into two otherwise eligible families while living in public housing, only one of the families will retain occupancy of the unit.

If a court determines the disposition of property between members of an applicant or resident family, the LACDA will abide by the court's determination.

In the absence of a judicial decision or an agreement among the original family members, the LACDA will determine which family will retain their placement on the waiting list or continue in occupancy. In making its determination, the LACDA will take into consideration the following factors: (1) the interest of any minor children, including custody arrangements; (2) the interest of any ill, elderly, or disabled family members; (3) the interest of any family member who is or has been the victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, including a family member who was forced to leave a public housing unit as a result of such actual or threatened abuse, and provides documentation in accordance with section 16-VII.D of this ACOP; (4) any possible risks to family members as a result of criminal activity, and (5) the recommendations of social service professionals.

#### **Remaining Member of a Tenant Family [24 CFR 5.403]**

The HUD definition of family includes the *remaining member of a tenant family*, which is a member of a resident family who remains in the unit when other members of the family have left the unit [PH Occ GB, p. 26]. Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family.

If dependents are the only “remaining members of a resident family” and there is no family member able to assume the responsibilities of the head of household, see Chapter 6, Section 6-I.B, for the policy on “Caretakers for a Child.”

### **3-I.D. HEAD OF HOUSEHOLD [24 CFR 5.504(b)]**

*Head of household* means the adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a cohead or spouse.

#### LACDA Policy

The head of household is the adult member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent.

The head of household must have the legal capacity to enter into a lease under State and local law. A minor who is emancipated under state law may be designated as head of household.

### **3-I.E. SPOUSE, COHEAD, AND OTHER ADULT**

A family may have a spouse or cohead, but not both [HUD-50058 IB, p. 13].

*Spouse* means the marriage partner of the head of household.

#### LACDA Policy

A *marriage partner* includes the partner in a "common law" marriage as defined in State law, in order to dissolve the relationship, and would have to be divorced. The term "spouse" does **not** apply to friends, boyfriends, girlfriends, roommates, significant others, or co-heads who are not marriage partners. A minor who is emancipated under state law may be designated as a spouse.

A *cohead* is an individual in the household who is equally responsible for the lease with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. A co-head never qualifies as a dependent. A household may only have either a spouse or cohead, but not both.

#### **Spouses Living Apart**

An applicant who declares that he/she is married but living apart from their spouse, must provide any of the following documents: current rent receipts, leases, utility bills, employer or agency records, school records, driver's licenses, voter's registration records, credit reports, statement from household with whom the individual is residing. At the LACDA's discretion, verification of residency may also include other documents, certifications, or declarations as needed.

Minors who are emancipated under state law may be designated as a cohead.

*Other adult* means a family member, other than the head, spouse, or cohead, who is 18 years of age or older. Foster adults and live-in aides are not considered other adults [HUD-50058 IB, p. 14].

### **3-I.F. DEPENDENTS AND MINORS [24 CFR 5.603]**

A *minor* is a member of the family, other than the head of family or spouse, who is under 18 years of age.

A *dependent* is a family member who is under 18 years of age or a person of any age who is a person with a disability or a full-time student, except that the following persons can never be dependents: the head of household, spouse, cohead, foster children/adults and live-in aides. Identifying each dependent in the family is important because each dependent qualifies the family for a deduction from annual income as described in Chapter 6.

#### **Joint Custody of Dependents**

##### LACDA Policy

Dependents that are subject to a joint custody arrangement will be considered a member of the family if they live with the applicant or resident family 50 percent or more of the time.

In a joint custody arrangement, if the minor is in the household less than 90 days per year, the minor will be considered to be an eligible guest and not a family member. If both parents reside in Public Housing or any other housing program, only one parent shall be able to claim the child for deductions and for determination for the occupancy standards. The LACDA will request for proof of school enrollment, child custody records, IRS income tax return showing which family claimed the child for income tax purposes, including court-orders.

### **3-I.G. FULL-TIME STUDENT [24 CFR 5.603]**

A *full-time student* (FTS) is a person who is attending school or vocational training on a full-time basis. The time commitment or subject load that is needed to determine if attendance is full-time is *defined by the educational institution*.

Identifying each FTS is important because (1) each family member that is an FTS, other than the head, spouse, or cohead, qualifies the family for a dependent deduction and (2) the income of such an FTS is treated differently from the income of other family members.

### **3-I.H. ELDERLY AND NEAR-ELDERLY PERSONS, AND ELDERLY FAMILY [24 CFR 5.100, 5.403, 945.105, and FR Notice 02/03/12]**

#### **Elderly Persons**

An *elderly person* is a person who is at least 62 years of age.

#### **Near-Elderly Persons**

A *near-elderly person* is a person who is 50-61 years of age.

#### **Elderly Family**

An *elderly family* is one in which the head, spouse, cohead, or sole member is an elderly person. Identifying elderly families is important because these families qualify for the elderly family allowance and the medical allowance as described in Chapter 6 and may qualify for a particular type of development as noted in Chapter 4.

### **3-I.I. PERSONS WITH DISABILITIES AND DISABLED FAMILY [24 CFR 5.403, FR Notice 02/03/12]**

#### **Persons with Disabilities**

Under the public housing program, special rules apply to persons with disabilities and to any family whose head, spouse, or cohead is a person with disabilities. The technical definitions of individual with physical impairment and persons with disabilities are provided in Exhibit 3-1 at the end of this chapter. These definitions are used for a number of purposes including ensuring that persons with disabilities are not discriminated against based upon disability.

As discussed in Chapter 2, the LACDA must make all aspects of the public housing program accessible to persons with disabilities and consider requests for reasonable accommodations when a person's disability limits their full access to the unit, the program, or the LACDA's services.

#### **Disabled Family**

A *disabled family* is one in which the head, spouse, or cohead is a person with disabilities. Identifying disabled families is important because these families qualify for the disabled family allowance and the medical allowance as described in Chapter 6 and may qualify for a particular type of development as noted in Chapter 4.

Even though persons with drug or alcohol dependencies are considered persons with disabilities for the purpose of non-discrimination, this does not prevent the LACDA from denying admission or taking action under the lease for reasons related to alcohol and drug abuse in accordance with the policies found in Part III of this chapter and in Chapter 13.

### **3-I.J. GUESTS [24 CFR 5.100]**

A *guest* is defined as a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

The lease must provide that the tenant has the right to exclusive use and occupancy of the leased unit by the members of the household authorized to reside in the unit in accordance with the lease, including reasonable accommodation of their guests [24 CFR 966.4(d)]. The head of household is responsible for the conduct of visitors and guests, inside the unit as well as anywhere on or near LACDA premises [24 CFR 966.4(f)].

#### **LACDA GUEST Policy**

Residents shall obtain LACDA management written approval for the presence of any person not identified in the lease as a member of the resident's household who occupies the unit for over ten (10) consecutive days or a total of 14 days within a twelve-month period. The Executive Director or his/her designee has discretionary authority to approve the occupation of a unit beyond 14 days.

In order to verify that a visitor is not an unauthorized household member, the LACDA will require any of the following documents: current rent receipts, leases, utility bills, employer or agency records, school records, driver's licenses, voter's registration records, credit reports, statement from household with whom the

individual is residing. At the LACDA's discretion, verification of residency may also include other documents, certifications, or declarations as needed.

The LACDA will consider:

- Statements from neighbors and/or LACDA staff

- Vehicle license plate verification

- Post Office records

- Driver's license verification

- Law enforcement reports

- Credit reports

- Current Lease Agreement or financial records

Use of the unit address as the non-household member's current residence for any purpose is not authorized and is considered a breach of the Lease Agreement.

The burden of proof that the individual is a guest rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the family and the LACDA may terminate the family's lease since prior approval was not requested for the addition.

In a joint custody arrangement, if the minor is in the household less than 90 days per year, the minor will be considered to be an eligible guest and not a family member. If both parents reside in Public Housing or any other housing program, only one parent shall be able to claim the child for deductions and for determination for the occupancy standards. The LACDA will request for proof of school enrollment, child custody records, including court-orders.

Guests who represent the public housing unit address as their residence address or address of record for receipt of benefits or any other purposes will be considered unauthorized occupants. In addition, guests who remain in the unit beyond the allowable time limit will be considered to be unauthorized occupants, and their presence constitutes a violation of the lease.

### **3-I.K. FOSTER CHILDREN AND FOSTER ADULTS [24 CFR 5.603]**

A *foster adult* is a member of the household who is 18 years of age or older and meets the definition of a foster adult under state law. In general, a foster adult is a person who is 18 years of age or older, is unable to live independently due to a debilitating physical or mental condition and is placed with the family by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

A *foster child* is a member of the household who meets the definition of a foster child under state law. In general, a foster child is placed with the family by an authorized placement agency (e.g., public child welfare agency) or by judgment, decree, or other order of any court of competent jurisdiction.

Foster children and foster adults that are living with an applicant or resident family are considered household members but not family members. The income of foster children/adults is not counted in family annual income and foster children/adults do not qualify for a dependent deduction [24 CFR 5.603 and HUD-50058 IB, pp. 13-14].

#### LACDA Policy

A foster child or foster adult may be allowed to reside in the unit if their presence would not overcrowd the unit. Foster children will be included in determining unit size.

Children that are temporarily absent from the home as a result of placement in foster care are discussed in Section 3-I.L.

### **3-I.L. ABSENT FAMILY MEMBERS**

Individuals may be temporarily or permanently absent from the unit for a variety of reasons including educational activities, placement in foster care, employment, and illness.

#### **Definitions of Temporarily and Permanently Absent**

##### LACDA Policy

All changes in family composition, including additions due to birth, adoption, foster adult, court-awarded custody of a minor approved by a social service agency, must be reported within ten (10) calendar days of the occurrence in writing. If an adult family member is declared permanently absent by the head of household, the notice must contain a certification by the head of household [or spouse] that the member (who may be the head of household) removed is permanently absent.

##### **Absence of Any Member**

Any member of the household will be considered permanently absent and removed from the lease if s/he is away from the unit for **90 days** in a 12-month period except as otherwise provided in this chapter.

##### **Absence of the Entire Family**

If the entire family is absent from the unit for more than 30 consecutive days, whether or not rent has been paid, the unit will be considered to be abandoned and the LACDA will terminate the Lease Agreement.

As a reasonable accommodation for a person with a disability, the LACDA may approve an extension. (See Absence Due to Medical Reasons for other reasons to approve an extension.) During the period of absence, the rent and other charges must remain current.

##### **Absent Students**

##### LACDA Policy

Full time students who attend school away from the home and live with the family during school recess will be considered temporarily absent from the household.

#### **Absences Due to Placement in Foster Care [24 CFR 5.403]**

Children temporarily absent from the home as a result of placement in foster care are considered members of the family.

### LACDA Policy

Foster Care Arrangements include situations in which the family is caring for a foster adult, child or children in their home who have been placed there by a public child placement agency, or a foster adult or adults placed in the home by a public adult placement agency.

If the family includes a child or children temporarily absent from the home due to placement in foster care, the LACDA will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is to be greater than 180 days from the date of removal of the child(ren), the family will be required to move to a smaller size unit. If all children are removed from the home permanently, the unit size will be reduced in accordance with the LACDA's occupancy guidelines.

### **Absence Due to Medical Reasons**

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the LACDA will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 120 consecutive days, the family member will not be considered permanently absent, as long as rent and other charges remains current. A resident may request a reasonable accommodation to have a longer absence approved. The LACDA has full discretion of approval and will make determinations on a case-by-case basis.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the LACDA's "Absence of Entire Family" policy.

### **Absence Due to Incarceration**

If the sole member is incarcerated for more than 90 consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for 90 consecutive days. The rent and other charges must remain current during this period.

### **Remaining Minor Member of Resident Family—Retention of Unit**

If neither parent remains in the household, nor the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the LACDA will treat that adult as a visitor for the first 90 calendar days. This will be noted as an exception to the LACDA's Visitor Policy.

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, and the caretaker qualifies under Tenant Suitability criteria, the lease will be transferred to the caretaker.

If the court has not awarded custody or legal guardianship, but the action is in process, the LACDA will secure verification from social services staff or the attorney as to the status.

The LACDA will transfer the lease to the caretaker, in the absence of a court order, if the caretaker qualifies under the Tenant Suitability criteria and has been in the unit for more than 90 days and it is reasonable to expect that custody will be granted.

When the LACDA approves a person to reside in the unit as caretaker for the child(ren), the income of the caretaker should be counted pending a final disposition. The LACDA will work with the appropriate service agencies to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than 90 days, the person will be considered permanently absent.

If an adult child goes into the military and leaves the household, they will be considered permanently absent.

Full time students who attend school away from the home and live with the family during school recess will be considered temporarily absent from the household.

A minor, who was part of the household, can also qualify as a “remaining member of the resident family”. A minor will be authorized to remain in the unit by establishing emancipation or by adding another adult, who has been determined eligible and suitable by the LACDA, to the Lease. The added adult will become the new head of household. When such situations arise, the LACDA will work with the minor’s advocate, which may be another adult relative or DCFS caseworker, to determine the appropriate course of action and time necessary for the minor to meet one of the two criteria to remain in the unit.

### **Remaining Adult Member of Resident Family—Retention of Unit**

Under certain circumstances, an existing member of a household has the right to remain in the unit following the death or departure of the head of household to non-subsidized housing. This section is not intended to apply to circumstances where the household is the subject of a pending eviction, lease enforcement action or where the household is not in good standing. For purposes of this section, an existing member of the household may be considered a “remaining member of the resident family” under the following circumstances:

(a) To be considered the “remaining member of the resident family”, the person must be an adult previously approved by the LACDA to be living in the unit and must have signed the lease in his or her capacity as an adult occupant. Prior to being approved as a “remaining member of the resident family”, the person must successfully undergo criminal screening and be deemed eligible and suitable under Chapter 2 of the ACOP.

A live-in aide or a caregiver, by definition, are not members of the household and will not be considered a “remaining member of the resident family”.

A reduction in family size shall require a transfer to an appropriate unit size per the Occupancy Standards.

The LACDA shall grant exceptions from the occupancy standards if the family requests and the LACDA determines the exceptions are justified according to this policy.

The LACDA will consider the size of the unit and the size of the bedrooms, as well as the number of bedrooms, when an exception is requested (Refer to chapter on Occupancy Standards).

### **3-I.M. RETURN OF PERMANENTLY ABSENT FAMILY MEMBERS**

#### LACDA Policy

The head of household or co-head must request in writing for the approval for the return of a former household member. Former household member(s) may be reinstated within 120 days after their move-out, if they are in good standing with the LACDA. Member is subject to Criminal Background screening and must meet suitability requirements.

Secondary Education Students - Former household members in good standing that were removed from the household while attending a secondary educational institution may be reinstated within 120 days from completion of their education program, with verification from the educational institution. Written verification from the registrar's office will be required. Verification must include ongoing and consecutive enrollment status or an approved and/or authorized leave per the educational institution, or evidence of completion. Member is subject to Criminal Background screening and must meet suitability requirements.

#### **Return of Former Households to Public Housing (Reinstatement)**

Former household member(s) may be reinstated within 120 days after their move-out, if they are in good standing with the LACDA. Member is subject to Criminal Background screening and must meet suitability requirements.

### **3-I.N. LIVE-IN AIDE**

*Live-in aide* means a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who: (1) is determined to be essential to the care and well-being of the person(s), (2) is not obligated for the support of the person(s), and (3) would not be living in the unit except to provide the necessary supportive services [24 CFR 5.403].

The LACDA must approve a live-in aide if needed as a reasonable accommodation for a person with disabilities in accordance with 24 CFR 8.

A live-in aide is considered a household member but not a family member and has no rights or benefits under the program. The income of the live-in aide is not counted in determining the annual income of the family [24 CFR 5.609(c)(5)]. Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide.

Live-in aides do not have the right of tenancy and cannot be added to the families' Lease Agreement. Upon approval by the LACDA, a live-in aide can reside in the household. Live-in aides are required to execute a "Live-In Aide Agreement" with the LACDA.

#### LACDA Policy

A family's request for a live-in aide must be requested in writing. The LACDA will verify the need for a live-in aide, if necessary, with a reliable, knowledgeable professional as provided by the family, such as a doctor, social worker, or case worker. Verification of the need for a live-in aide must include the hours the care will be provided. For continued approval, the family may be required to submit a new, written request—subject to LACDA verification—at each annual reexamination.

In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is (1) not obligated for the support of the person(s) needing the care,

and (2) would not be living in the unit except to provide the necessary supportive services.

The LACDA has the discretion disapprove a request for alive-in aide based on the eligibility criteria described in this chapter. A family has the right to an appeal of the decision under Chapter 14 “Grievances and Appeals”, and may withdraw such approval, if [24 CFR 966.4(d)(3)(i)]:

The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;

The person has a history of drug-related criminal activity or violent criminal activity; or

The person currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

Within 30 calendar days of receiving a request for a live-in aide, including all required documentation related to the request, the LACDA will notify the family of its decision in writing.

If a live-in aide legally cannot obtain a Social Security Number, he/she must sign a certification stating that he/she does not have one. State the individual’s name, state that the individual has not been issued a Social Security Number; state that the individual will disclose the Social Security Number to the LACDA, if he/she obtains one at a later date; and must be signed and dated. The LACDA will issue an alternate ID (H00#) as an alternative.

## **PART II: BASIC ELIGIBILITY CRITERIA**

### **3-II.A. INCOME ELIGIBILITY AND TARGETING**

#### **Income Limits**

HUD is required by law to establish income limits that determine the income eligibility of applicants for HUD's assisted housing programs, including the public housing program. The income limits are published annually and are based on HUD estimates of the median incomes for families of different sizes in a particular area or county.

#### **Types of Low-Income Families [24 CFR 5.603(b)]**

*Low-income family.* A family whose annual income does not exceed 80 percent of the median income for the area, adjusted for family size.

*Very low-income family.* A family whose annual income does not exceed 50 percent of the median income for the area, adjusted for family size.

*Extremely low-income family.* A family whose annual income does not exceed the federal poverty level or 30 percent of the median income for the area, whichever number is higher.

Area median income is determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30, 50, or 80 percent of the median income for an area if HUD finds that such variations are necessary because of unusually high or low family incomes.

HUD also publishes over-income limits annually, but these are not used at admission. Over-income limits will be discussed in Chapter 13.

#### **Using Income Limits for Eligibility [24 CFR 960.201 and Notice PIH 2023-27]**

Income limits are used to determine eligibility at admission. Eligibility is established by comparing a family's annual income with HUD's published income limits. To be income-eligible, a family must be a *low-income* family. Income and net family assets of household members are excluded when determining income eligibility; however, household members are considered for purposes of unit size and subsidy standards.

The LACDA shall use income guidelines provided by HUD to determine program eligibility for the public housing program. These income guidelines will be posted at all times at the LACDA's site management offices and the LACDA.

#### **Using Income Limits for Targeting [24 CFR 960.202(b)]**

At least 40 percent of the families admitted from the PHA waiting list to the public housing program during a PHA fiscal year must be *extremely low-income* families. This is called the "basic targeting requirement."

If admissions of extremely low-income families to the PHA's housing choice voucher program during a PHA fiscal year exceed the 75 percent minimum targeting requirement for that program, such excess shall be credited against the PHA's public housing basic targeting requirement for the same fiscal year.

The LACDA will monitor its admissions to ensure that at least 40% of families admitted to public housing in each fiscal year shall have incomes that do not exceed 30% of area median income of the LACDA's jurisdiction.

The LACDA shall, at its discretion, at least annually, exercise the "fungibility" provision of QHWRA by admitting less than 40% of "extremely low-income families" to public housing in a fiscal year, to the extent that the LACDA has provided more than 75% of newly available Section 8 Housing Choice Vouchers to "extremely low-income families." This fungibility provision discretion by the LACDA is also reflected in the LACDA's Section 8 Administrative Plan.

The fungibility credits will be used to drop the annual requirement below 40% of admissions to public housing for extremely low-income families by the lowest of the following amounts:

The number of units equal to 10% of the number of newly available vouchers in the fiscal year; or

The number of public housing units that 1) are in public housing developments located in census tracts having a poverty rate of 30% or more, and 2) are made available for occupancy by and actually occupied in that year by, families other than extremely low-income families.

**The Fungibility Floor:** Regardless of the above two amounts, in a fiscal year, at least 30% of the LACDA's admissions to public housing will be for extremely low-income families. The fungibility floor is the number of units that cause the LACDA's overall requirement for housing extremely low-income families to drop to 30% of its newly available units.

### **3-II.B. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5, Subpart E]**

Housing assistance is available only to individuals who are U.S. citizens, U.S. nationals (herein referred to as citizens and nationals), or noncitizens that have eligible immigration status. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance.

All applicant families must be notified of the requirement to submit evidence of their citizenship status when they apply. Where feasible, and in accordance with the LACDA's Limited English Proficiency Plan, the notice must be in a language that is understood by the individual if the individual is not proficient in English.

For the Citizenship/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

#### **Declaration [24 CFR 5.508]**

HUD requires each family member to declare whether the individual is a citizen, a national, or an eligible noncitizen, except those members who elect not to contend that they have eligible immigration status. **Those who elect not to contend their status are considered to be ineligible noncitizens.** For citizens, nationals and eligible noncitizens the declaration must be signed personally by the head, spouse, cohead, and any other family member 18 or older, and by a parent or guardian for minors. The family must identify in writing any family members who elect not to contend their immigration status (see Ineligible Noncitizens below). No declaration is required for live-in aides, foster children, or foster adults.

### ***U.S. Citizens or and Nationals of the U.S.***

In general, citizens and nationals of the U.S. are required to submit only a signed declaration under penalty of perjury that claims their status. However, HUD regulations permit the LACDA to request additional documentation of their status, such as a passport.

#### **LACDA Policy**

***Citizens or Nationals of the U.S.*** are required to sign a declaration under penalty of perjury. In addition, the family will be required to provide documentation to verify eligible status, such as: U.S. Birth Certificate, U.S. Passport, Certification of Naturalization, or required documentation to verify declared status.

***Eligible Immigrants*** who were residents and 62 or over on June 19, 1995, required to sign a declaration of eligible immigration status and provide proof of age.

#### ***Eligible Noncitizens (Non-citizens with eligible immigration status)***

In addition to providing a signed declaration, those declaring eligible noncitizen status **must** sign a verification consent form, provide their original immigration documents which are copied front and back and returned to the family; family must cooperate with LACDA's efforts to verify their immigration status as described in Chapter 7. The LACDA verifies the status through the USCIS Systematic Alien Verification for Entitlements (SAVE) system. If this primary verification fails to verify status, the LACDA must request within ten (10) days that the USCIS conduct a manual search.

The documentation required for establishing eligible noncitizen status varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, the person's age, and the date on which the family began receiving HUD-funded assistance.

Lawful residents of the Marshall Islands, the Federated States of Micronesia, and Palau, together known as the Freely Associated States, or FAS, are eligible for housing assistance under section 141 of the Compacts of Free Association between the U.S. Government and the Governments of the FAS [Public Law 106-504].

Family members who do not claim to be citizens or eligible immigrants must be listed on a statement of non-contending family members signed by the head of household/co-head and/or spouse/marital-type partner.

**Non-Citizen Students on Student Visas:** are ineligible members even though they are in the country lawfully. They must provide their student visa, but their status will not be verified, and they do not sign a declaration but are listed on the statement of non-contending members.

#### **VAWA Self-Petitioner Verification Procedure**

When the LACDA receives a self-petition or INS Form 797 "Notice of Action", the LACDA will initiate verification in the SAVE System as delineated in PITT 2017-02. During the verification process, housing assistance and all other VAWA protections will be granted to the self-petitioner throughout the verification process until a final determination of LPR status is made. If this primary verification fails to verify status, the LACDA must request within ten days that the USCIS conduct a manual search. If the final determination is to deny the VAWA self-

petition or LPR petition, the LACDA will alert the petitioner and take the appropriate actions in accordance with the ACOP.

VAWA self-petitioners must be verified through the USCIS SAVE system. When the LACDA receives a self-petition or INS Form 797 “Notice of Action”, the LACDA will initiate verification in the SAVE System as delineated in PITT 2017-02. During the verification process, housing assistance and all other VAWA protections will be granted to the self-petitioner throughout the verification process until a final determination of LPR.

status is made. If this primary verification fails to verify status, the LACDA must request within ten days that the USCIS conduct a manual search. If the final determination is to deny the VAWA self-petition or LPR petition, the LACDA will alert the petitioner and take the appropriate actions in accordance with the ACOP.

### ***Ineligible Noncitizens***

Those noncitizens who do not wish to contend their immigration status are required to have their names listed on a noncontending family members listing, signed by the adult member, or head, spouse, or cohead (regardless of citizenship status), indicating their ineligible immigration status. The LACDA is not required to verify a family member’s *ineligible* status and is not required to report an individual’s unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS).

Providing housing assistance to noncitizen students is prohibited [24 CFR 5.522]. This prohibition extends to the noncitizen spouse of a noncitizen student as well as to minor children who accompany or follow to join the noncitizen student. Such prohibition does not extend to the citizen spouse of a noncitizen student or to the children of the citizen spouse and noncitizen student. Such a family is eligible for prorated assistance as a mixed family.

### **Mixed Families**

A family is eligible for admission as long as at least one member is a citizen, national, or eligible noncitizen. Families that include eligible and ineligible individuals are considered *mixed families*. Such families will be given notice that their assistance will be prorated, and that they may request a hearing if they contest this determination. See Chapter 6 for a discussion of how rents are prorated, and Chapter 14 for a discussion of grievance hearing procedures.

### **Ineligible Families [24 CFR 5.514(d), (e), and (f)]**

No individual or family may be assisted prior to the affirmative establishment by the LACDA that the individual or at least one family member is eligible [24 CFR 5.512(a)].

#### LACDA Policy

The LACDA will not provide assistance to a family before the verification of at least one family member as a citizen, national, or eligible noncitizen.

When the LACDA determines that an applicant family does not include any citizens, nationals, or eligible noncitizens, following the verification process, the family will be sent a written notice within 10 business days of the determination.

The notice will explain the reasons for the denial of assistance and will advise the applicant family of its right to request an appeal to the United States Citizenship and

Immigration Services (USCIS), or to request a grievance hearing with the LACDA. The grievance hearing with the LACDA may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process. The notice must also inform the applicant family that assistance may not be delayed until the conclusion of the USCIS appeal process, but that it may be delayed pending the completion of the grievance hearing process.

Grievance hearing procedures are contained in Chapter 14.

**Failure to Provide.** If an applicant or resident family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member and the tenant's rent portion will be prorated. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

**Time of Verification.** For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination. For family members added after other members have been verified, the verification occurs prior to the new member moving in. Once verification has been completed for any covered program, it need not be repeated. The LACDA will also request new/updated immigration documents for those individuals whose immigration documents that prove eligibility has expired.

#### **Time Frame for Determination of Citizenship Status [24 CFR 5.508(g)]**

For new occupants joining the resident family the LACDA must verify status at the first interim or regular reexamination following the person's occupancy, whichever comes first.

If an individual qualifies for a time extension for the submission of required documents, the LACDA must grant such an extension for no more than 30 days [24 CFR 5.508(h)].

Each family member is required to submit evidence of **eligible** status only one time during continuous occupancy.

#### **LACDA Policy**

For applicants and new member add-ons, the LACDA will verify the citizenship status of at the time other eligibility factors are determined through the USCIS Systematic Alien Verification for Entitlements (SAVE) system. If this primary verification fails to verify status, the LACDA must request within ten (10) days that the USCIS conduct a manual search.

**Extensions of Time to Provide Documents.** The LACDA will grant an extension of 30 days for families to submit evidence of eligible immigrant status, or a receipt issued by the USCIS for issuance of replacement documents.

**Acceptable Documents of Eligible Immigration.** The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

- Resident Alien Card (I-551)
- Alien Registration Receipt Card (I-151)

- Foreign Passport with I-551 stamp
- Arrival-Departure Record (I-94) with no annotation accompanied by:
- A final court decision granting asylum (if no appeal is taken);
- A letter from an INS or USCIS asylum officer granting asylum (if application is filed on or after 10/1990) or from and INS director granting asylum (application filed before 10/1990);
- A court decision granting withholding of deportation; or
- A letter from an asylum officer granting withholding of deportation (if application filed on or after 10/1/90)
- Arrival-Departure Record (I-94) stamped with one of the following:
  - “Admitted as a Refugee Pursuant to Section 207”
  - “Section 208” or “Asylum”
  - “Section 243(h)” or “Deportation stayed by Attorney General”
  - “Paroled Pursuant to Section 221(d)(5) of the INS (or USCIS)” Temporary Resident Card (I-688) annotated “Section 245A” or Section “210”

Employment Authorization Card (I-688B) annotated “Provision of Law 274a. 12(11)” or “Provision of Law 274a.12”

Any official revision of the acceptable documents listed above. Receipt issued by the USCIS for issuance of replacement of any of the above documents that shows individual’s entitlement has been verified.

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years.

**Determination of Ineligibility.** After the LACDA has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable).

### **3-II.C. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and 5.218, Notice PIH 2018-24]**

The applicant and all members of the applicant’s household must disclose the complete and accurate social security number (SSN) assigned to each household member, and the documentation necessary to verify each SSN. If a child under age six has been added to an applicant family within the six months prior to program admission, an otherwise eligible family may be admitted to the program and must disclose and document the child’s SSN within 90 days of admission. A detailed discussion of acceptable documentation is provided in Chapter 7.

**Note:** These requirements do not apply to noncitizens who do not contend eligible immigration status.

In addition, each participant who has not previously disclosed an SSN, has previously disclosed an SSN that HUD or the SSA determined was invalid, or has been issued a new SSN must submit their complete and accurate SSN and the documentation required to verify the SSN at the

time of the next interim or annual reexamination or recertification. Participants aged 62 or older as of January 31, 2010, whose determination of eligibility was begun before January 31, 2010, are exempt from this requirement and remain exempt even if they move to a new assisted unit.

### LACDA Policy

The LACDA must deny assistance to an applicant family if they do not meet the SSN disclosure and documentation requirements contained in 24 CFR 5.216.

If a family member cannot produce a Social Security Card, only the documents listed below showing his/her Social Security Number may be used for verification. The family is also required to certify in writing that the document(s) submitted in lieu of the Social Security Card information provided is/are complete and accurate:

- A document issued by the Social Security Administration that contains the name and Social Security number of the individual; or
- A document issued by a Federal, State or local government agency that includes the name, Social Security Number and other identifying information about the individual.
- All new family members, except children of age 5 and under, who have not been assigned a number, will be required to produce their Social Security Card or provide the substitute documentation described above together with their certification that the substitute information provided is complete and accurate. This information is to be provided at the time the change in family composition is reported to the LACDA and the family member will not be added to the household composition until it is provided.
- A child of age 5 or under who has not been assigned a Social Security Number may be added to the household before providing a Social Security number. However, the parent or guardian will be required to sign a form attesting that the child was never issued a Social Security Number. The family must disclose the child's Social Security Number within 90 calendar days of being added to the family composition.
- If the family is unable to disclose and provide evidence of the Social Security Number within the **90 calendar days**, the LACDA may grant the family an additional **90-calendar** day period to comply with the Social Security Number disclosure and documentation requirement. The additional 90-calendar day period may be granted if the LACDA determines that the family was unable to comply with the requirements due to circumstances that could not have reasonably been foreseen and were outside of the control of the family. Examples include but are not limited to: delayed processing of the Social Security Number application by the Social Security Administration, natural disaster, fire, death in family etc. If the family fails to provide the required documentation within the established timeframe, the family's assistance will be terminated.
- If the family member states they cannot legally obtain a Social Security number, the family member will be required to sign a certification to this effect.

- If a Live-in Aide cannot legally produce an SSN, the member must declare under penalty of perjury the facts as to why an SSN cannot be legally provided, sign, and date. The LACDA will issue a HUD Alternate ID (H00#).

### **3-II.D. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 5.232]**

HUD requires each **adult** family member, and the head of household, spouse, or cohead, regardless of age, to sign form HUD-9886-A, Authorization for the Release of Information Privacy Act Notice, the form HUD-52675, Debts Owed to Public Housing Agencies and Terminations, and other consent forms as needed to collect information relevant to the family's eligibility and level of assistance. Chapter 7 provides detailed information concerning the consent forms and verification requirements. The consent form remains effective until the family is denied assistance, assistance is terminated, or the family provides written notification to revoke consent.

The LACDA must deny admission to the program if any member of the applicant family fails to sign and submit the HUD/LACDA consent forms which allow the LACDA to obtain information that the LACDA has determined is necessary to determine a family's initial and/or continued eligibility, including in administration of the public housing program [24 CFR 960.259(a) and (b) and 24 CFR 5.232(a)].

#### LACDA Policy

Applicants and residents are required to sign specific authorization forms when information is needed that is not covered by the HUD Form 9886-A, Authorization for Release of Information.

Each adult family member requested to consent to the release of information will be provided with a copy of the appropriate forms for their review and signature. Family member refusal to cooperate with the HUD prescribed verification procedure will result in denial of admission or termination of tenancy in accordance with the family's obligation to provide information requested by the LACDA.

**Revocation of Consent Form (Form HUD 9886-A).** LACDA will deny admissions or terminate assistance due to the revocation of consent. The LACDA will afford the Head of Household (HOH) the opportunity to remove the family member who revokes the consent. If the family member revoking the consent is the HOH, the entire family will be denied admission or terminated.

### **3-II.E. ENTERPRISE INCOME VERIFICATION (EIV) SYSTEM SEARCHES [ Notice PIH 2023-27]**

#### **Existing Tenant Search**

Prior to admission to the program, the LACDA must search for all household members using the EIV Existing **Tenant Search** module. The LACDA must review the reports for any SSA matches involving another Public Housing Authority (PHA) or a multifamily entity and follow up on any issues identified. The LACDA must provide the family with a copy of the Existing Tenant Search results if requested. At no time may any family member receive duplicative assistance.

If the resident is a new admission to the LACDA, and a match is identified at a Section 8, Multifamily property, or other PHA, LACDA must report the program admission date to the PHA or Multifamily property and document the notification in the tenant file. The family must provide documentation of move-out from the assisted unit, as applicable.

### LACDA Policy

Prior to the new admission, the LACDA will contact the other PHA or owner identified in the EIV report to coordinate the transition to the new program (new admission and move out from the other PHA), confirm that the family has moved out of the unit (to avoid duplicative subsidy), and obtain documentation of current tenancy status (i.e., confirm there is a zero debt owed or no record of an adverse action resulting in the termination). The LACDA will only approve assistance contingent upon the move-out from the currently occupied assisted unit.

### **Debts Owed to PHAs and Terminations**

All adult household members must sign the form HUD-52675, Debts Owed to Public Housing and Terminations. Prior to admission to the program, the LACDA must search for each adult family member in the Debts Owed to PHAs and Terminations module.

If a current or former tenant disputes the information in the module, the tenant must contact the respective PHA directly in writing to dispute the information and provide any documentation that supports the dispute. If the PHA determines that the disputed information is incorrect, the PHA will update or delete the record from EIV. Former tenants may dispute debt and termination information for a period of up to three years from the end of participation date in the program.

### LACDA Policy

The LACDA will require each adult applicant household member to sign the form HUD-52675 **once** at the eligibility determination. Any new members added to the household after admission will be required to sign the form HUD-52675 prior to being added to the household, including existing resident members that reach 18 years of age.

The LACDA will search the Debts Owed to PHAs and Terminations module as part of the eligibility determination for new households and as part of the screening process for any household members added after the household is admitted to the program. If any information on debts or terminations is returned by the search, the LADCA will determine if this information warrants a denial in accordance with the policies in Part III of this chapter.

### **Income and Income Validation Tool (IVT) Reports**

For each post Move-in (New Admission), the LACDA is required to review the EIV Income and Income Validation Tool (IVT) Reports to confirm and validate family reported income *within* 120 days of the IMS/PIC submission date of the new admission. The LACDA will commence the review of the EIV Income and IVT reports to validate family reported income within 60 days from the move-in date and will resolve any discrepancies with the family within 60 days of the EIV Income or IVT report dates in accordance with HUD mandates. A copy of the reports and supporting documents regarding the resolution (if applicable), will be maintained in the applicant/tenant file.

## **PART III: DENIAL OF ADMISSION**

### **3-III.A. OVERVIEW**

A family that does not meet the eligibility criteria discussed in Parts I and II must be denied admission.

In addition, HUD requires or permits the LACA to deny admission based on certain types of current or past behaviors of family members as discussed in this part. The LACDA's authority in this area is limited by the Violence against Women Act (VAWA), which prohibits the denial of admission to an otherwise qualified applicant on the basis or as a direct result of the fact that the applicant is or has been the victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking [see 24 CFR 5.2005(b)].

While the regulations state that the LACDA must prohibit admission for certain types of criminal activity and give the LACDA the option to deny for other types of previous criminal history, more recent HUD rules and OGC guidance must also be taken into consideration when determining whether a particular individual's criminal history merits denial of admission.

When considering any denial of admission, LACDA may not use arrest records as the basis for the denial. Further, HUD does not require the adoption of "One Strike" policies and reminds LACDA of its obligation to safeguard the due process rights of applicants and tenants [Notice PIH 2015-19].

HUD's Office of General Counsel issued a memo on April 4, 2016, regarding the application of Fair Housing Act standards to the use of criminal records. This memo states that a PHA violates the Fair Housing Act when their policy or practice has an unjustified discriminatory effect, even when the PHA had no intention to discriminate. Where a policy or practice that restricts admission based on criminal history has a disparate impact on a particular race, national origin, or other protected class, that policy or practice is in violation of the Fair Housing Act if it is not necessary to serve a substantial, legitimate, nondiscriminatory interest of the PHA, or if that interest could be served by another practice that has a less discriminatory effect [OGC Memo 4/4/16]. HUD codified this stance on disparate impact and discriminatory effects in a final rule dated March 31, 2023. In doing so, HUD also standardized its long-practiced three-step approach to assessing burdens of proof.

PHAs who impose blanket prohibitions on any person with any conviction record, no matter when the conviction occurred, what the underlying conduct entailed, or what the convicted person has done since then will be unable to show that such policy or practice is necessary to achieve a substantial, legitimate, nondiscriminatory interest. Even a PHA with a more tailored policy or practice that excludes individuals with only certain types of convictions must still prove that its policy is necessary. To do this, the PHA must show that its policy accurately distinguishes between criminal conduct that indicates a demonstrable risk to resident safety and property and criminal conduct that does not.

This part covers the following topics:

- Required denial of admission
- The asset limitation in public housing
- Other permitted reasons for denial of admission
- Screening
- Criteria for deciding to deny admission
- Prohibition against denial of admission to victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking
- Notice of eligibility or denial

### **3-III.B. REQUIRED DENIAL OF ADMISSION [24 CFR 960.204]**

The LACDA is required to establish standards that prohibit admission of an applicant to the public housing program if they have engaged in certain criminal activity or if the LADCA has reasonable cause to believe that a household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

Where the statute requires that the LACDA prohibit admission for a prescribed period of time after some disqualifying behavior or event, the LACDA may choose to continue that prohibition for a longer period of time [24 CFR 960.203(c)(3)(ii)].

HUD requires the LACDA to deny assistance in the following cases:

Any member of the household has been evicted from federally assisted housing in the last three years for drug-related criminal activity. HUD permits but does not require the LACDA to admit an otherwise-eligible family if the household member has completed a LACDA-approved drug rehabilitation program or the circumstances which led to eviction no longer exist (e.g., the person involved in the criminal activity no longer lives in the household).

#### LACDA Policy

##### **SCREENING FOR DRUG-RELATED AND/OR CRIMINAL ACTIVITY**

It is the intention of the LACDA to administer a policy that maintains decent, safe, and sanitary public housing. All screening procedures shall be administered fairly and in such a way as to not discriminate on the basis of race, color, religion, sex, gender, gender identity and expression, family status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18), national origin, marital status, ancestry, age, sexual orientation, disability, medical condition, source of income, genetic information, military and veteran status, arbitrary characteristics, or any other basis prohibited by law, as well as not in violation of the right to privacy. These screenings will be deemed current for a period of 90 days at which point the LACDA must run the background check again before time of move in.

The LACDA will obtain and take into consideration criminal summary history information from State and/or local law enforcement agencies, and the Federal Bureau of Investigations (FBI) on all applicants over the age of eighteen for the purpose of determining resident suitability. The LACDA may also obtain and take into consideration public records of past and current criminal history of the applicant and proposed member of the applicant's household. The LACDA will verify the information collected on its applicants and take information into consideration for admissions purposes.

All applicants to the public housing program will be screened for drug-related, violent- and any other criminal activity involving the applicant and proposed member of the applicant's household during the suitability review process. The LACDA defines criminal activity in the following manner:

**Drug-Related Criminal Activity:** the illegal manufacture, sale, distribution, use and/or possession with intent to manufacture, sell, distribute, or use a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)). \*\*Please note that the cultivation, manufacture, distribution, sale, use and/or possession of marijuana with the intent to cultivate, manufacture, distribute, sell, and/or use of marijuana for recreational and/or medical reasons is also a violation of the LACDA's policies relating to drug-related criminal activity and constitutes "drug-related criminal activity" under federal law. The cultivation, distribution, sale, use and/or possession of marijuana for recreational and/or medical reasons subjects applicants to the denial of admission.

**Violent Criminal Activity:** any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

**Sex Offense Related Criminal Activity:** Any criminal activity that subjects a member of the applicant's household to be subject to sex offender lifetime registration under a state sex offender registration program.

**Other Criminal Activity:** any criminal activity including, but not limited to, violent criminal activity which would adversely affect the health, safety, or right to peaceful enjoyment of the public housing premises by other residents or persons residing in the immediate vicinity or employees of the LACDA.

- **Applicant(s) engaging in fraud or bribery associated with any federal housing program:**
- The LACDA shall deny admission if the applicant or any household member has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program. The LACDA may make an exception in determining admission if the family member(s) who participated or were culpable for the action do **not** reside in the assisted unit.
- **Denial of Admission for Drug-Related Criminal Activity:**
- The LACDA shall permanently deny admission to any applicant if any household member has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing, in accordance with HUD regulations. \*\*Please note that the cultivation, manufacture, distribution, sale, use and/or

possession of marijuana with the intent to cultivate, manufacture, distribute, sell, and/or use of marijuana for recreational and/or medical reasons is also a violation of the LACDA's policies relating to drug-related criminal activity and constitutes "drug-related criminal activity" under federal law. The cultivation, manufacture, distribution, sale, use and/or possession of marijuana for medical and/or recreational reasons subject applicants to the denial of admission.

- The LACDA denies admission of any applicant evicted from federally assisted housing by reason of drug-related criminal activity within the previous three-year period, unless the evicted resident successfully completed a rehabilitation program approved by the LACDA and is willing to continue with counseling and support activities.
- The LACDA shall deny admission to applicants that it determines has reasonable cause to believe a household member's illegal drug use or alcohol abuse or pattern of illegal drug use or alcohol abuse may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
- In determining whether to deny admission to public housing based on a pattern of illegal use of a controlled substance or abuse of alcohol by an applicant, and/or prior eviction from federally assisted housing by reason of drug-related criminal activity, the LACDA may consider the following mitigating factors:
  - Has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is willing to continue with counseling and support activities and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);
  - Has otherwise been rehabilitated successfully and is willing to continue with counseling and support activities and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or
  - Is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).
- Notwithstanding Sections a, b, and c, the LACDA reserves the right to deny admission to applicants who have engaged in any drug-related criminal activity within a previous three-year period. In such a determination, the LACDA shall take into account the above-listed mitigating factors.
- **Denial of Admission of Persons Engaged in Violent Criminal Activity**

In accordance with Section 576 (C) of the Quality Housing and Work Responsibility Act of 1998, the LACDA shall deny admission to public housing for any applicant who has engaged in violent criminal activity within the last three years. Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage. In accordance with 24 CFR section 960.203 (c) (3), the LACDA may deny the admission of persons who have a history of criminal activity involving crimes of physical violence to persons or property.

- **Denial of Admission of Persons Engaged in Other Criminal Activity**

- In accordance with 24 CFR section 960.203 (c) (3), the LACDA may deny the admission of persons who have a history of criminal activity involving criminal acts which would adversely affect the health, safety or welfare of other tenants. The LACDA shall consider “other criminal activity” engaged in by an applicant in determination of suitability for public housing.
- The LACDA determines that any household member is currently engaged in the use of illegal drugs. *Drug* means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]. *Currently engaged in the illegal use of a drug* means a person has engaged in the behavior recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member [24 CFR 960.205(b)(1)].

#### LACDA Policy

The LACDA shall permanently deny admission to any applicant if any household member has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing, in accordance with HUD regulations. \*\*Please note that the cultivation, manufacture, distribution, sale, use and/or possession of marijuana with the intent to cultivate, manufacture, distribute, sell, and/or use of marijuana for recreational and/or medical reasons is also a violation of the LACDA’s policies relating to drug-related criminal activity and constitutes “drug-related criminal activity” under federal law. The cultivation, manufacture, distribution, sale, use and/or possession of marijuana for medical and/or recreational reasons subject applicants to the denial of admission.

The LACDA denies admission of any applicant evicted from federally assisted housing by reason of drug-related criminal activity within the previous three-year period, unless the evicted resident successfully completed a rehabilitation program approved by the LACDA and is willing to continue.

The LACDA shall deny admission to applicants that it determines has reasonable cause to believe a household member's illegal drug use or alcohol abuse or pattern of illegal drug use or alcohol abuse may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

In determining whether to deny admission to public housing based on a pattern of illegal use of a controlled substance or abuse of alcohol by an applicant, and/or prior eviction from federally assisted housing by reason of drug-related criminal activity, the LACDA may consider the following mitigating factors:

Has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is willing to continue with counseling and support activities and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);

Has otherwise been rehabilitated successfully and is willing to continue with counseling and support activities and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or

Is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

The LACDA reserves the right to deny admission to applicants who have engaged in any drug-related criminal activity within a previous three-year period. In such a determination, the LACDA shall take into account the above-listed mitigating factors.

### **Right to Informal Hearing**

Applicants denied admission to public housing based on drug-related, violent, or other criminal activity may dispute the information revealed in the criminal summary history information or the determination made by the LACDA and request an informal hearing in accordance with the LACDA's grievance policy.

The LACDA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

### **LACDA Policy**

In determining reasonable cause, the LACDA will consider all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of household members related to the use of illegal drugs or the abuse of alcohol. A record or records of arrest will not be used as the sole basis for the denial or proof that the applicant engaged in disqualifying criminal activity. The LACDA will also consider evidence from treatment providers or community-based organizations providing services to household members.

### **3-III.C. RESTRICTION ON ASSISTANCE BASED ON ASSETS [24 CFR 5.618]**

There are two circumstances under which a family is ineligible for the program based on asset ownership.

First, assistance may not be provided to any family (applicants/residents) if the family's net assets exceed \$100,000 (adjusted annually by HUD).

### **Net Assets Limitation for New Admissions that Exceed \$100,000**

The LACDA will deny admission to an applicant family for the following reasons:

- First, if the net family assets exceed \$100,000. This amount is subject to HUD's annual inflationary adjustment in accordance with the Consumer Price Index (CPI); and/or

Second, the family has real property that is suitable for occupancy by the family as a residence and the family has:

- A present ownership interest in the real property;
- A legal right to reside in the real property; and

- The effective legal authority to sell (based on state or local laws of the jurisdiction where the property is located) the real property.

However, the real property restriction does not apply in the following circumstances:

- Any property for which the family is receiving assistance for a manufactured home under 24 CFR 982.620 or under the HCV Homeownership program;
- Any property that is jointly owned by a member of the family and at least one non-household member who does not live with the family, if the non-household member resides at the jointly owned property;
- Any family that is offering the property for sale;
- If the family does not have the effective legal authority to sell the real property in the jurisdiction in which the property is located, the value of the real property is excluded from annual income; or
- Any person who is a victim of domestic violence, dating violence, sexual assault, or stalking.
  - **When a family asks for an exception because a family member is a victim of domestic violence, dating violence, sexual assault, or stalking, the LADCA must comply with all the confidentiality requirements under VAWA. The LACDA will must accept a self-certification from the family member, and the restrictions on requesting documentation under VAWA apply.**

A property is considered *suitable for occupancy* unless the family demonstrates that it:

- Does not meet the disability-related needs for all members of the family (e.g., physical accessibility requirements, disability-related need for additional bedrooms, proximity to accessible transportation, etc.);
- Is not sufficient for the size of the family;

#### LACA Policy

The LACDA defines *not sufficient for the size of the family* as being overcrowded based on the LACDA's occupancy standards in Chapter 5.

- Is geographically located so as to be a hardship for the family (e.g., the distance or commuting time between the property and the family's place of work or school would be a hardship to the family, as determined by the LACDA);
- Is not safe to reside in because of the physical condition of the property (e.g., property's physical condition poses a risk to the family's health and safety and the condition of the property cannot be easily remedied); or
- Is not a property that a family may reside in under the State or local laws of the jurisdiction where the property is located.

The LACDA will require third-party generated verification for the reasons noted above for purposes of determining program eligibility.

### **Net Assets Limitation for Existing Families that Exceed \$100,000**

In accordance with HUD, the LACDA will initiate eviction/termination of a family's assistance no later than six (6) months after the effective date of an annual or interim reexamination in accordance with HUD for the following reasons:

- A present ownership interest in the real property;
- A legal right to reside in the real property; and
- The effective legal authority to sell (based on state or local laws of the jurisdiction where the property is located) the real property.

However, the real property restriction does not apply in the following circumstances:

- Any property for which the family is receiving assistance for a manufactured home under 24 CFR 982.620 or under the HCV Homeownership program;
- Any property that is jointly owned by a member of the family and at least one non-household member who does not live with the family, if the non-household member resides at the jointly owned property;
- Any family that is offering the property for sale;
- If the family does not have the effective legal authority to sell the real property in the jurisdiction in which the property is located, the value of the real property is excluded from annual income; or
- Any person who is a victim of domestic violence, dating violence, sexual assault, or stalking.

- When a family asks for an exception because a family member is a victim of domestic violence, dating violence, sexual assault, or stalking, the LADCA must comply with all the confidentiality requirements under VAWA. The LACDA will must accept a self-certification from the family member, and the restrictions on requesting documentation under VAWA apply.

A property is considered *suitable for occupancy* unless the family demonstrates that it:

- Does not meet the disability-related needs for all members of the family (e.g., physical accessibility requirements, disability-related need for additional bedrooms, proximity to accessible transportation, etc.);
- Is not sufficient for the size of the family;

### **3-III.D. OTHER PERMITTED REASONS FOR DENIAL OF ADMISSION**

#### **Previous Behavior [960.203(c) and (d) and PH Occ GB, p. 48]**

HUD authorizes the LACDA to deny admission based on relevant information pertaining to the family's previous behavior and suitability for tenancy.

In the event of the receipt of unfavorable information with respect to an applicant, the LACDA will consider the time, nature, and extent of the applicant's conduct (including the seriousness of the offense). As discussed in Section 3-III.F, the LACDA may also need to consider whether the cause of the unfavorable information may be that the applicant is the victim of domestic violence, dating violence, sexual assault, or stalking.

### LACDA Policy

The LACDA will deny admission to an applicant family if the LACDA determines that the family:

#### Rent-Paying Habits

The LACDA will examine any LACDA records from a prior tenancy and will request written references from the applicant's current landlord and may request written references from the applicant's former landlords for up to the past three years.

Based upon these verifications, the LACDA will determine if the applicant has been evicted for nonpayment of rent within the last three (3) years, or had other legal action initiated against him/her for debts owed. Any of these circumstances could be grounds for an ineligibility determination, depending on the amount of control the applicant had over the situation.

#### Other Factors:

Has a pattern of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences within the past three years which may adversely affect the health, safety, or welfare of other tenants.

Owes rent or other amounts to this or any other PHA or owner in connection with any assisted housing program.

Misrepresented or does not provide complete information related to eligibility, including income, award of preferences for admission, expenses, family composition or rent.

Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program in the last three years.

Owes rent or other amounts to any PHA in connection with Section 8, public housing, or other public housing assistance under the 1937 Act, unless the family repays the full amount of the debt prior to being selected from the waiting list.

When denying admission due to family debts as shown in HUD's EIV system, the LACDA will provide the family with a copy of the EIV Debt Owed to PHA and Termination report.

If the family wishes to dispute the information in the report, the family must contact the respective PHA that entered the information in EIV in writing, explaining why EIV information is disputed. The family must also provide a copy of the letter and all applicable verification to the LACA to support the family's claim. The LACDA will use the Debt Owed module

to to confirm the debt is “Paid-in Full” prior to issuing a notice of denial. Copy of EIV report will be filed in the applicant’s file.

Has engaged in or threatened violent or abusive behavior toward LACDA personnel.

*Abusive or violent behavior towards PHA personnel* includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

*Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to deny admission, the LACDA will consider the factors discussed in Sections 3-III.F and 3-III.G. Upon consideration of such factors, the LACDA may, on a case-by-case basis, decide not to deny admission.

The LACDA will consider the existence of mitigating factors, such as loss of employment or other financial difficulties, before denying admission to an applicant based on the failure to meet prior financial obligations.

### **Screening Applicants Who Claim Mitigating Circumstances**

Mitigating circumstances are facts relating to the applicant’s record of unsuitable history or behavior, which, when verified, would indicate both: (1) what the reason for the unsuitable history and/or behavior is; and (2) that the reason for the unsuitable history and behavior is no longer in effect or is under control, and the applicant’s prospect for lease compliance is an acceptable one, justifying admission.

If unfavorable information is received about an applicant, consideration shall be given to the time, nature, and extent of the applicant’s conduct and to factors that might indicate a reasonable probability of favorable future conduct. In order to be factored into the LACDA’s screening assessment of the applicant, mitigating circumstances must be verifiable.

If the mitigating circumstances claimed by the applicant relate to a change in disability, medical condition or course of treatment, the LACDA shall have the right to refer such information to persons who are qualified and knowledgeable to evaluate the evidence and to verify the mitigating circumstance. The LACDA shall also have the right to request further information reasonably needed to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation. Examples of mitigating circumstances:

- Evidence of successful rehabilitation;
- Evidence of the applicant family’s participation in and completion of social service or other appropriate counseling service approved by the LACDA;
- Evidence of successful and sustained modification of previous disqualifying behavior.

Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission. The LACDA will consider such circumstances in light of: The applicant’s ability to

substantiate through verification the claim of mitigating circumstances and his/her prospects for improved future behavior; and the applicant's overall performance with respect to all the screening requirements.

### **3-III.E. SCREENING**

#### **Screening for Eligibility**

The LACDA is authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to the public housing program. This authority assists the LACDA in complying with HUD requirements and LACDA policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records the LACDA must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903].

The LACDA may not pass along to the applicant the costs of a criminal records check [24 CFR 960.204(d)].

#### LACDA Policy

The LACDA will perform criminal background checks through local law enforcement for all adult household members.

If the results of the criminal background check indicate there may have been past criminal activity, but the results are inconclusive, the LACDA will request a fingerprint card and will request information from the National Crime Information Center (NCIC).

LACDA is required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 960.204(a)(4)].

#### LACDA Policy

The LACDA The LACDA will complete a criminal background check of all adult members of the household and will use the Dru Sjodin National Sex Offender database to screen applicants for admission.

Additionally, LACDA must ask whether the applicant, or any member of the applicant's household, is subject to a lifetime registered sex offender registration requirement in any state [Notice PIH 2012-28].

If the LACDA proposes to deny admission based on a criminal record or on lifetime sex offender registration information, the LACDA will notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission [24 CFR 5.903(f) and 5.905(d)].

The LACDA will not conduct criminal background checks for existing public housing residents on the basis that the member reached 18 years of age.

***Obtaining Information from Drug Treatment Facilities [24 CFR 960.205]***

HUD authorizes LACDA to request and obtain information from drug abuse treatment facilities concerning applicants. Specifically, the LACDA may require each applicant to submit for all household members who are at least 18 years of age, and for each family head, spouse, or cohead regardless of age, one or more consent forms signed by such household members that requests any drug abuse treatment facility to inform the LACDA whether the drug abuse treatment facility has reasonable cause to believe that the household member is currently engaging in illegal drug use.

*Drug Abuse Treatment Facility* means an entity that holds itself out as providing, and provides, diagnosis, treatment, or referral for treatment with respect to the illegal drug use and is either an identified unit within a general care facility, or an entity other than a general medical care facility.

*Currently engaging in illegal use of a drug* means illegal use of a drug that occurred recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member.

Any consent form used for the purpose of obtaining information from a drug abuse treatment facility to determine whether a household member is currently engaging in illegal drug use must expire automatically after the LACDA has made a final decision to either approve or deny the admission of such person.

Any charges incurred by the LACDA for information provided from a drug abuse treatment facility may not be passed on to the applicant or tenant.

Note: If the PHA chooses to obtain such information from drug abuse treatment facilities, it must adopt and implement one of the two following policies:

Policy A: The PHA must submit a request for information to a drug abuse treatment facility for all families before they are admitted. The request must be submitted for each proposed household member who is at least 18 years of age, and for each family head, spouse, or cohead regardless of age.

Policy B: The PHA must submit a request for information only for certain household members, whose criminal record indicates prior arrests or conviction for any criminal activity that may be a sole basis for denial of admission or whose prior tenancy records indicate that the proposed household member engaged in destruction of property or violent activity against another person, or they interfered with the right of peaceful enjoyment of the premises of other residents.

If the PHA chooses to obtain such information, it must abide by the HUD requirements for records management and confidentiality as described in 24 CFR 960.205(f).

LACDA Policy

Please refer to Section iii, Other Suitability Factors, Screening Applicants Who Claim Mitigating Circumstances

## **Screening for Suitability as a Tenant [24 CFR 960.203(c)]**

The LACDA is responsible for the screening and selection of families to occupy public housing units. The LACDA may consider all relevant information. Screening is important to public housing communities and program integrity, and to ensure that assisted housing is provided to those families that will adhere to lease obligations.

### LACDA Policy

**1. SUITABILITY CRITERIA** - All applicants will be processed in accordance with HUD's regulations (24 CFR Part 960) and sound management practices. Applicants will be required to demonstrate ability to comply with essential provisions of the lease as summarized below.

All applicants must demonstrate through an assessment of current and past behavior the ability:

To pay rent and other charges as required by the lease in a timely manner;

To care for and avoid damaging the unit and common areas;

To use facilities, appliances and equipment in a reasonable way;

To create no health or safety hazards, and to report maintenance needs in a timely manner;

Not to interfere with the rights and peaceful enjoyment of others and to avoid damaging the property of others;

Not to engage in criminal activity or alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents or staff and not to engage in drug-related criminal activity;

Not to have ever been convicted of manufacturing or producing methamphetamine, also known as "speed," on the premises of assisted housing;

Not to be subject to sex offender lifetime registration under a State sex offender registration program.

To comply with necessary and reasonable rules and program requirements of HUD and the LACDA; and

To comply with local health and safety codes.

In developing its admission policies, the aim of the LACDA is to attain a resident body composed of families with a broad range of incomes and to avoid concentrations of the most economically deprived families and families with serious social problems. Therefore, it is the policy of the LACDA to deny admission to applicants whose habits and practices may reasonably be expected to have a detrimental effect on the operations of the development or neighborhood, or on the quality of life for its residents.

The LACDA will conduct a detailed oral, personal, or virtual interview of all applicants designed to evaluate the qualifications of applicants to meet the essential requirements of tenancy. Answers may be subject to third party verification.

An applicant's misrepresentation of any information related to eligibility, award of preference for admission, housing history, allowances, family composition, criminal history, or rent may result in denial of admission. If the LACDA discovers that an applicant misrepresented such information and that such misrepresentation led to the applicant's admission, the applicant shall be deemed not eligible for admission and **shall** be subject to termination.

Applicants must be able to demonstrate the ability and willingness to comply with the terms of the lease. Should the applicant require assistance in order to comply with the terms of the lease, the applicant must notify the LACDA. (24 CFR 8.2 Definition: Qualified Individual with Disabilities). The availability of assistance is subject to verification by the LACDA.

The LACDA's minimum age for admission as head of household is 18, so that the LACDA will avoid entering into leases that would not be valid or enforceable under applicable law.<sup>1</sup>

As a part of the final suitability determination, the LACDA will screen each applicant household to assess their suitability as renters.

The LACDA will complete a credit check and rental history check on applicants 18 years of age or older, including emancipated youth within the family composition as noted on the application. The LACDA may complete a home visit at the current residence of all applicants who:

- Have had landlords refuse to sign their Resident Reference Form;
- Stated information on their application that is inconsistent with information on the credit and unlawful detainer report;
- Do not have an established residence at the time of their suitability review (e.g., state they live "here and there with friends");
- Have landlords raise suitability issues on the Resident Reference Forms;
- Have a criminal history that raises suitability concerns;
- Claim to have zero income (to establish how they are meeting their needs);
- Were interviewed by LACDA staff who has found the applicant's statement or behavior to raise concerns regarding suitability.

The LACDA's examination of relevant information pertaining to past and current habits or practices will include, but is not limited to, an assessment of:

- The applicant's past performance in meeting financial obligations, especially rent;
- Eviction or records of disturbance of neighbors sufficient to warrant a police call, destruction of property, or living or housekeeping habits at present or prior

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<sup>1</sup> The LACDA shall make an exception for emancipated minors upon completion of verifying their legal status as such.

residences, which may adversely affect the health, safety, or welfare of other residents or neighbors;

Any history of criminal activity on the part of any applicant family member, involving criminal acts, including drug-related criminal activity;

Any history or evidence of repeated acts of violence on the part of an individual, or a pattern of conduct constituting a danger to peaceful occupancy by neighbors;

Any history of initiating threats or behaving in a manner that indicates intent to assault LACDA/HUD employees, LACDA contractors, or other residents;

Any history of alcohol or substance abuse that would threaten the health, welfare, or right to peaceful enjoyment of the premises by other residents.

Any evidence of housing assistance termination for adverse actions or who left the program owing money to a Housing Authority.

The ability and willingness of an applicant to comply with the essential lease requirements will be verified and documented by the LACDA. The information to be considered in the screening process shall be reasonably related to assessing the conduct of the applicant and other family members listed on the application in present and prior housing.

The history of applicant conducts, and behavior must demonstrate that the applicant family can reasonably be expected not to:

Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare [24CFR 960.205(b)];

Adversely affect the physical environment or financial stability of the development [24CFR 960.205(b)];

Violate the terms and conditions of the lease [24CFR 8.3];

Require services from LACDA staff that would alter the fundamental nature of the LACDA's program [24 CFR 8.3].

## **2. SCREENING FOR DRUG-RELATED AND/OR CRIMINAL ACTIVITY**

It is the intention of the LACDA to administer a policy that maintains decent, safe, and sanitary public housing. All screening procedures shall be administered fairly and in such a way as to not discriminate on the basis of race, color, religion, sex, gender, gender identity and expression, family status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18), national origin, marital status, ancestry, age, sexual orientation, disability, medical condition, source of income, genetic information, military and veteran status, arbitrary characteristics, or any other basis prohibited by law, as well as not in violation of the right to privacy. These screenings will be deemed current for a period of 90 days at which point the LACDA must run the background check again before time of move in.

The LACDA will obtain and take into consideration criminal summary history information from State and/or local law enforcement agencies, and the Federal Bureau of Investigations (FBI) on all applicants over the age of eighteen for the purpose of determining resident suitability. The LACDA may also obtain and take into consideration public records of past and current criminal history of the applicant and proposed member of the applicant's household. The LACDA will verify the information collected on its applicants and take information into consideration for admissions purposes.

All applicants to the public housing program will be screened for drug-related, violent- and any other criminal activity involving the applicant and proposed member of the applicant's household during the suitability review process. The LACDA defines criminal activity in the following manner:

**Drug-Related Criminal Activity:** the illegal manufacture, sale, distribution, use and/or possession with intent to manufacture, sell, distribute, or use a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)). \*\*Please note that the cultivation, manufacture, distribution, sale, use and/or possession of marijuana with the intent to cultivate, manufacture, distribute, sell, and/or use of marijuana for recreational and/or medical reasons is also a violation of the LACDA's policies relating to drug-related criminal activity and constitutes "drug-related criminal activity" under federal law. The cultivation, distribution, sale, use and/or possession of marijuana for recreational and/or medical reasons subjects applicants to the denial of admission.

**Violent Criminal Activity:** any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

**Sex Offense Related Criminal Activity:** Any criminal activity that subjects a member of the applicant's household to be subject to sex offender lifetime registration under a State sex offender registration program.

**Other Criminal Activity:** any criminal activity including, but not limited to, violent criminal activity which would adversely affect the health, safety, or right to peaceful enjoyment of the public housing premises by other residents or persons residing in the immediate vicinity or employees of the LACDA.

**Applicant(S) Engaging in Fraud or Bribery Associated With Any Federal Housing Program:**

The LACDA shall deny admission if the applicant or any household member has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program. The LACDA may make an exception in determining admission if the family member(s) who participated or were culpable for the action do **not** reside in the assisted unit.

**Denial of Admission for Drug-Related Criminal Activity:**

The LACDA shall permanently deny admission to any applicant if any household member has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing, in accordance with HUD regulations. \*\*Please note that the cultivation, manufacture,

distribution, sale, use and/or possession of marijuana with the intent to cultivate, manufacture, distribute, sell, and/or use of marijuana for recreational and/or medical reasons is also a violation of the LACDA's policies relating to drug-related criminal activity and constitutes "drug-related criminal activity" under federal law. The cultivation, manufacture, distribution, sale, use and/or possession of marijuana for medical and/or recreational reasons subject applicants to the denial of admission.

The LACDA denies admission of any applicant evicted from federally assisted housing by reason of drug-related criminal activity within the previous three-year period, unless the evicted resident successfully completed a rehabilitation program approved by the LACDA and is willing to continue with counseling and support activities.

The LACDA shall deny admission to applicants that it determines has reasonable cause to believe a household member's illegal drug use or alcohol abuse or pattern of illegal drug use or alcohol abuse may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

In determining whether to deny admission to public housing based on a pattern of illegal use of a controlled substance or abuse of alcohol by an applicant, and/or prior eviction from federally assisted housing by reason of drug-related criminal activity, the LACDA may consider the following mitigating factors:

- Has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is willing to continue with counseling and support activities and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);

- Has otherwise been rehabilitated successfully and is willing to continue with counseling and support activities and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or

- Is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

Notwithstanding Sections i, ii, and iii, the LACDA reserves the right to deny admission to applicants who have engaged in any drug-related criminal activity within a previous three-year period. In such a determination, the LACDA shall take into account the above-listed mitigating factors.

### **Denial of Admission of Persons Engaged in Violent Criminal Activity**

In accordance with Section 576 (C) of the Quality Housing and Work Responsibility Act of 1998, the LACDA shall deny admission to public housing for any applicant who has engaged in violent criminal activity within the last three years. Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage. In accordance with 24 CFR section 960.203 (c) (3), the LACDA may deny the admission of persons who have a history of criminal activity involving crimes of physical violence to persons or property.

### **Denial of Admission of Persons Engaged in Other Criminal Activity**

In accordance with 24 CFR section 960.203 (c) (3), the LACDA may deny the admission of persons who have a history of criminal activity involving criminal acts which would adversely affect the health, safety or welfare of other tenants. The LACDA shall consider “other criminal activity” engaged in by an applicant in determination of suitability for public housing.

### **Denial of Admission for Lifetime Sex Offender Registrants**

In accordance with 24 CFR 960.204 (a)(4), the LACDA shall permanently deny admission to any applicant who is subject to a sex offender lifetime registration under a state sex offender registration program.

### **Right to Informal Hearing**

Applicants denied admission to public housing based on drug-related, violent, or other criminal activity may dispute the information revealed in the criminal summary history information or the determination made by the LACDA and request an informal hearing in accordance with the LACDA’s grievance policy.

## **3. OTHER SUITABILITY FACTORS**

### **Rent-Paying Habits**

The LACDA will examine any LACDA records from a prior tenancy and will request written references from the applicant’s current landlord and may request written references from the applicant’s former landlords for up to the past three years.

Based upon these verifications, the LACDA will determine if the applicant has been evicted for nonpayment of rent within the last three (3) years, or had other legal action initiated against him/her for debts owed. Any of these circumstances could be grounds for an ineligibility determination, depending on the amount of control the applicant had over the situation.

### **Screening Applicants Who Claim Mitigating Circumstances**

Mitigating circumstances are facts relating to the applicant’s record of unsuitable history or behavior, which, when verified, would indicate both: (1) what the reason for the unsuitable history and/or behavior is; and (2) that the reason for the unsuitable history and behavior is no longer in effect or is under control, and the applicant’s prospect for lease compliance is an acceptable one, justifying admission.

If unfavorable information is received about an applicant, consideration shall be given to the time, nature, and extent of the applicant’s conduct and to factors that might indicate a reasonable probability of favorable future conduct. In order to be factored into the LACDA’s screening assessment of the applicant, mitigating circumstances **must be verifiable**.

If the mitigating circumstances claimed by the applicant relate to a change in disability, medical condition or course of treatment, the LACDA shall have the right to refer such

information to persons who are qualified and knowledgeable to evaluate the evidence and to verify the mitigating circumstance. The LACDA shall also have the right to request further information reasonably needed to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.

Examples of mitigating circumstances:

- Evidence of successful rehabilitation;

- Evidence of the applicant family's participation in and completion of social service or other appropriate counseling service approved by the LACDA;

- Evidence of successful and sustained modification of previous disqualifying behavior.

Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission. The LACDA will consider such circumstances in light of:

- The applicant's ability to substantiate through verification the claim of mitigating circumstances and his/her prospects for improved future behavior, and the applicant's overall performance with respect to all the screening requirements.

#### **4. UNQUALIFIED APPLICANTS**

Information which has been verified by the LACDA will be analyzed and a determination will be made with respect to:

- The eligibility of the applicant as a family;

- The eligibility of the applicant with respect to income limits for admission; and

- The eligibility of the applicant with respect to citizenship or eligible immigration status.

Assistance to a family may not be delayed, denied or terminated on the basis of the family's ineligible immigration status unless and until the family completes all the verification and appeals processes to which they are entitled under both United States Citizenship and Immigration Services (USCIS) and LACDA procedures, except for a pending LACDA hearing.

Applicants who are determined to be unqualified for admission will be promptly notified in writing with a Notice of Denial of Admission stating the reason for the denial. The LACDA shall provide applicants the opportunity for an informal hearing (see chapter titled "Grievances and Appeals").

The LACDA will make every effort to estimate an approximate date of occupancy. However, the date given by the LACDA does not mean that applicants should expect to be housed by that date. The availability of a suitable unit to offer a family is contingent upon factors not directly controlled by the LACDA, such as turnover rates, and market demands as they affect bedroom sizes and development location.

## 5. **DOCUMENTATION OF FINDINGS**

An authorized representative of the LACDA shall document any pertinent information received relative to the following:

**Criminal Activity**—includes the activities listed in the definition of criminal activity in this chapter.

**Pattern of Violent Behavior**—includes evidence of repeated acts of violence on the part of an individual, or a pattern of conduct constituting a danger to peaceful occupancy of neighbors.

**Pattern of Drug Use**—includes a determination by the LACDA that the applicant has exhibited a pattern of illegal use of a controlled substance which might interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

**Drug-Related Criminal Activity**—includes a determination by the LACDA that the applicant has been involved in the illegal manufacture, sale, distribution, use or possession of a controlled substance.

**Pattern of Alcohol Abuse**—includes a determination by the LACDA that the applicant's pattern of alcohol abuse might interfere with the health, safety or right to peaceful enjoyment of the premises by other residents.

**Initiating Threats** or behaving in a manner indicating an intent to assault employees or other residents.

**Abandonment of a Public Housing Unit** without advising LACDA officials so that staff may secure the unit and protect its property from vandalism.

**Non-Payment of Rightful Obligations** including rent and/or utilities and other charges owed to the LACDA or other Housing Authority.

**Falsifying an Application for Leasing**—providing false information about family income and size, using an alias on the application for housing, or making any other materially false statement or omission intended to mislead.

**Record of Serious Disturbances of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior** consists of patterns of behavior that endanger the life, safety, or welfare of other persons by physical violence, gross negligence or irresponsibility; that damage the equipment or premises in which the applicant resides; or that are seriously disturbing to neighbors or disrupt sound family and community life, indicating the applicant's inability to adapt to living in a multi-family setting. Includes judicial termination of tenancy in previous housing on the grounds of nuisance or objectionable conduct, or frequent loud parties that have resulted in serious disturbances of neighbors.

**Grossly Unsanitary or Hazardous Housekeeping** includes the creation of a fire hazard through acts such as hoarding; severe damages to premises and equipment, if it is established that the family is responsible for the condition; seriously affecting neighbors by causing infestation, foul odors, depositing garbage in halls; or serious neglect of the premises. This category does not include families whose housekeeping is found to be

superficially unclean or due to lack of orderliness, where such conditions do not create a problem for neighbors.

**Destruction of Property** from previous rentals.

**Whether Applicant or Resident Is Capable of Maintaining the Responsibilities of Tenancy** in the case of applicants for admission, the person's present living arrangements and a statement obtained from applicant's physician, social worker, or other health professional will be among factors considered in making this determination. The availability of a live-in aide will be considered in making this determination.

In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct or financial prospects. However, this does not preclude the LACDA from rescinding a determination of an applicant's eligibility and suitability should the receipt of unfavorable information, and/or the discovery of falsified information, occur after the LACDA has concluded its screening process.

## **6. PROHIBITED CRITERIA FOR DENIAL OF ADMISSION**

The LACDA shall not reject an applicant on the basis that such applicant:

- Has no income;
- Is not employed;
- Does not participate in a job-training program;
- Will not apply for public assistance or benefit programs;
- Has a child (or children);
- Has children born out of wedlock;
- Is on welfare; and
- Is a student;

On the basis of race, color, religion, sex, gender, gender identity and expression, family status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18), national origin, marital status, ancestry, age, sexual orientation, disability, medical condition, source of income, genetic information, military and veteran status, arbitrary characteristics, or any other basis prohibited by law;

Is or had been a victim of domestic violence, dating violence, sexual assault or stalking if the applicant otherwise qualifies for assistance or admission, and that nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provide greater protection than this section for victims of domestic violence, dating violence, sexual assault or stalking.

### **3-III.F. CRITERIA FOR DECIDING TO DENY ADMISSION**

#### **Evidence**

##### LACDA Policy

The LACDA will use the preponderance of the evidence as the standard for making all admission decisions.

*Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

#### **Consideration of Circumstances [24 CFR 960.203(c)(3) and (d)]**

HUD authorizes the LACDA to consider all relevant circumstances when deciding whether to deny admission based on a family's past history except in the situations for which denial of admission is mandated (see Section 3-III.B).

In the event the LACDA receives unfavorable information with respect to an applicant or new member add-on, consideration must be given to the time, nature, and extent of the applicant's conduct (including the seriousness of the offense). In a manner consistent with its policies, LACDA may give consideration to factors which might indicate a reasonable probability of favorable future conduct.

##### LACDA Policy

The LACDA will consider the following facts and circumstances prior to making its decision:

The seriousness of the case, especially with respect to how it would affect other residents' safety or property;

The effects that denial of admission may have on other members of the family who were not involved in the action or failure to act;

The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or (as discussed further in section 3-III.F) a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking;

The length of time since the violation occurred, including the age of the individual at the time of the conduct, as well as the family's recent history and the likelihood of favorable conduct in the future;

While a record or records of arrest will not be used as the sole basis for denial, an arrest may trigger an investigation to determine whether the applicant engaged in disqualifying criminal activity. As part of its investigation, the PHA may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. The LACA may also consider:

Any statements made by witnesses or the applicant not included in the police report

Whether criminal charges were filed

Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal

Any other evidence relevant to determining whether or not the applicant engaged in disqualifying activity

Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property

Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs

In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully

The LACDA will require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

### **Removal of a Family Member's Name from the Application**

Should the LACDA's screening process reveal that an applicant's household includes an individual subject to state lifetime registered sex offender registration, the LACDA will offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the LACDA must deny admission to the family [Notice PIH 2012-28].

For other criminal activity, the LACDA may permit the family to exclude the culpable family members as a condition of eligibility. [24 CFR 960.203(c)(3)(i)].

#### **LACDA Policy**

As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit or to stay as a guest in the public housing unit.

### **Reasonable Accommodation [PH Occ GB, pp. 58-60]**

If the family includes a person with disabilities, the LACDA's decision concerning denial of admission is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

#### **LACA Policy**

If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of admission, the LACDA will determine whether the behavior is related to the disability. If so, upon the family's request, the LACDA will determine

whether alternative measures are appropriate as a reasonable accommodation. The LACDA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of admission. See Chapter 2 for a discussion of reasonable accommodation.

### **3-III.G. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND HUMAN TRAFFICKING**

The Violence against Women Act (VAWA) and the HUD regulation at 24 CFR 5.2005(b) prohibit PHAs from denying admission to an otherwise qualified applicant on the basis or as a direct result of the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

- Although the VAWA 2022 statute does not specifically include human trafficking in the list of victims protected under VAWA, in 2022 HUD began including human trafficking as part of the list of victims protected under VAWA (as seen in Notices PIH 2022-06, PIH 2022-22, and PIH 2022-24). In the absence of a final rule implementing VAWA 2022 and to mirror HUD's recent usage, this policy includes human trafficking in addition to domestic violence, dating violence, sexual assault, and stalking anywhere such a list appears.

Definitions of key terms used in VAWA are provided in section 16-VII of this ACOP, where general VAWA requirements and policies pertaining to notification, documentation, and confidentiality are also located.

#### **Notification**

VAWA requires the LACDA to provide applicants who are denied assistance with a VAWA Notice of Occupancy Rights (form HUD-5380) and a domestic violence certification form (HUD-5382) at the time the applicant is denied.

#### LACDA Policy

The LACDA acknowledges that a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking may have an unfavorable history (e.g., a poor credit history, poor rental history, a record of previous damage to an apartment, a prior arrest record) due to adverse factors that would warrant denial under the LACDA's policies.

While the LACDA is not required to identify whether adverse factors that resulted in the applicant's denial are a result of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the applicant may inform the LACDA that their status as a victim is directly related to the grounds for the denial. The LACDA will request that the applicant provide enough information to the LACDA to allow the P LACDA to make an objectively reasonable determination, based on all circumstances, whether the adverse factor is a direct result of their status as a victim.

The LACDA will include in its notice of denial information about the protection against denial provided by VAWA in accordance with section 16-VII.C of this ACOP, a notice of VAWA rights, and a copy of the form HUD-5382. The LACDA will request in writing

that an applicant wishing to claim this protection notify the LACDA within 15 business days.

## **Documentation**

### ***Victim Documentation [24 CFR 5.2007]***

#### LACDA Policy

If an applicant claims the protection against denial of admission that VAWA provides to victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the LACDA will request in writing that the applicant provide documentation supporting the claim in accordance with section 16-VII.D of this ACOP.

### ***Perpetrator Documentation***

#### LACDA Policy

If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

A signed statement (1) requesting that the perpetrator be removed from the application and certifying that the perpetrator will not be permitted to visit or to stay as a guest in the public housing unit, (2) documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse.

The signer must attest under penalty of perjury to their belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

## **3-III.H. NOTICE OF ELIGIBILITY OR DENIAL**

The LACDA will notify an applicant family of its final determination of eligibility in accordance with the policies in Section 4-III.E.

If a LACDA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before the LACDA can move to deny the application. In addition, a copy of the record must be provided to the subject of the record [24 CFR 5.903(f) and 5.905(d)].

#### LACDA Policy

If, based on a criminal record or sex offender registration information an applicant family appears to be ineligible, the LACDA will notify the family in writing of the proposed denial and provide a copy of the record to the applicant and to the subject of the record. The family will be given ten (10) calendar days to dispute the accuracy and relevance of the information. If the family does not contact the LACDA to dispute the information within that ten (10) calendar day period, the LACDA will proceed with issuing the notice of denial of admission. A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal hearing process.

Notice requirements related to denying admission to noncitizens are contained in Section 3-II.B.

Notice policies related to denying admission to applicants who may be victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking are contained in Section 3-III.F.

### EXHIBIT 3-1: DETAILED DEFINITIONS RELATED TO DISABILITIES

#### Person with Disabilities [24 CFR 5.403]

The term *person with disabilities* means a person who has any of the following types of conditions.

- Has a disability, as defined in 42 U.S.C. Section 423(d)(1)(A), which reads:

Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months

In the case of an individual who has attained the age of 55 and is blind (within the meaning of “blindness” as defined in section 416(i)(1) of this title), inability by reason of such blindness to engage in substantial gainful activity, requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.
- Has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 [42 U.S.C.15002(8)], which defines developmental disability in functional terms as follows:

(A) IN GENERAL – The term *developmental disability* means a severe, chronic disability of an individual that-

  - (i) is attributable to a mental or physical impairment or combination of mental and physical impairments;
  - (ii) is manifested before the individual attains age 22;
  - (iii) is likely to continue indefinitely;
  - (iv) results in substantial functional limitations in 3 or more of the following areas of major life activity: (I) self-care, (II) receptive and expressive language, (III) learning, (IV) mobility, (V) self-direction, (VI) capacity for independent living, (VII) economic self-sufficiency; and
  - (v) reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

(B) INFANTS AND YOUNG CHILDREN – An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.
- Has a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration; substantially impedes their ability to live independently and is of such a nature that the ability to live independently could be improved by more suitable housing conditions.

People with the acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for AIDS are not excluded from this definition.

A person whose disability is based solely on any drug or alcohol dependence does not qualify as a person with disabilities for the purposes of this program.

For purposes of reasonable accommodation and program accessibility for persons with disabilities, the term person with disabilities refers to an individual with handicaps.

### **Individual with Physical or Mental Impairments [24 CFR 8.3]**

*Individual with physical or mental impairments* means any person who has a condition or characteristic (i.e., physical or mental impairment) that substantially limits (renders) one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. The term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. As used in this definition, the phrase:

(1) Physical or mental impairment includes:

- (a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine.
- (b) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

(2) Major life activities mean functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) Is regarded as having an impairment means:

- (a) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation.
- (b) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment.
- (c) Has none of the impairments defined in paragraph (a) of this section but is treated by a recipient as having such an impairment.

## Chapter 4

### APPLICATIONS, WAITING LIST AND TENANT SELECTION

#### INTRODUCTION

When a family wishes to reside in public housing, the family must submit an application that provides the LACDA with the information needed to determine the family's eligibility. HUD requires the LACDA place all eligible families that apply for public housing on a waiting list. When a unit becomes available, the LACDA must select families from the waiting list in accordance with HUD requirements and LACDA policies as stated in its Admissions and Continued Occupancy Policy (ACOP) and its annual plan.

The LACDA is required to adopt a clear approach to accepting applications, placing families on the waiting list, and selecting families from the waiting list, and must follow this approach consistently. The actual order in which families are selected from the waiting list can be affected if a family has certain characteristics designated by HUD or the LACDA to receive preferential treatment.

HUD regulations require that the LACDA comply with all equal opportunity requirements, and it must affirmatively further fair housing goals in the administration of the program [24 CFR 960.103, PH Occ GB p. 13]. Adherence to the selection policies described in this chapter ensures that the PHA will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

This chapter describes HUD and the LACDA policies for accepting applications, managing the waiting list and selecting families from the waiting list. The LACDA's policies for assigning unit size and making unit offers are contained in Chapter 5. Together, Chapters 4 and 5 of the ACOP comprise the LACDA's Tenant Selection and Assignment Plan (TSAP).

The policies outlined in this chapter are organized into three sections, as follows:

Part I: The Application Process. This part provides an overview of the application process and discusses how applicants can obtain and submit applications. It also specifies how the PHA will handle the applications it receives.

Part II: Managing the Waiting List. This part presents the policies that govern how the PHA's waiting list is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for public housing. It also discusses the process the PHA will use to keep the waiting list current.

Part III: Tenant Selection. This part describes the policies that guide the LACDA in selecting families from the waiting list as units become available. It also specifies how in-person interviews may/will be used to ensure that the LACDA has the information needed to make a final eligibility determination.



## **PART I: THE APPLICATION PROCESS**

### **4-I.A. OVERVIEW**

This part describes the policies that guide the LACDA's efforts to distribute and accept applications, and to make preliminary determinations of applicant family eligibility that affect placement of the family on the waiting list. This part also describes the LACDA's obligation to ensure the accessibility of the application process.

### **4-I.B. APPLYING FOR ASSISTANCE**

Any family that wishes to reside in public housing must apply for admission to the program [24 CFR 1.4(b)(2)(ii), 24 CFR 960.202(a)(2)(iv), and PH Occ GB, p. 68]. HUD permits the LACDA to determine the format and content of its applications, as well how such applications will be made available to interested families and how applications will be accepted by the LACDA. The LACDA will include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of the LACDA's application [Notice PIH 2009-36].

#### LACDA Policy

The policy of the LACDA is to ensure that all families who express an interest in public housing assistance are given an equal opportunity to apply and are treated in a fair and consistent manner. This chapter describes the policies and procedures for entering new applications on up to thirteen site-based waiting lists based on eligibility, opening, and closing of the waiting lists, determining essential applicant information for waiting list placement, administering preferences, and removing applicants from a waiting list. The LACDA maintains thirteen separate waiting lists, with seven of those waiting lists designated as Elderly-Only housing developments.

### **Entering New Applicants on a Waiting List**

During the opening of the public housing waiting lists, applicants interested in public housing may call the LACDA's application phone line to submit an application to be placed on up to thirteen waiting lists (contingent upon unit size required and other eligibility requirements as set forth below) or apply online at [www.lacda.org](http://www.lacda.org). Upon a request from a person with a disability, the LACDA will make the waiting list application available in an accessible format. The LACDA provides a full listing of the locations of accessible units and their features on the LACDA website and a "Notice to Applicants and Residents with Disabilities of the LACDA's Policy Regarding Reasonable Accommodations and Reasonable Modifications". The Notice provides the applicants and residents with their rights to and procedures to request a reasonable accommodation and/or reasonable modification.

Current public housing residents are prohibited from reapplying and placing their name on any of the thirteen waiting lists.

#### **4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS**

The LACDA will take a variety of steps to ensure that the application process is accessible to those people who might have difficulty complying with the standard LACDA application process.

##### **Disabled Populations [24 CFR 8; PH Occ GB, p. 68]**

The LACDA will provide reasonable accommodation as needed for persons with disabilities to make the application process fully accessible. The facility where applications are accepted and the application process will be fully accessible, will provide an alternate approach that provides equal access to the program. Chapter 2 provides a full discussion of the LACDA's policies related to providing reasonable accommodations for people with disabilities.

##### **Limited English Proficiency**

The LACDA will take reasonable steps to ensure meaningful access to its programs and activities by persons with limited English proficiency [24 CFR 1]. Chapter 2 provides a full discussion on the LACDA's policies related to ensuring access to people with limited English proficiency (LEP).

#### **4-I.D. PLACEMENT ON THE WAITING LIST**

The LACDA will each completed application received and make a preliminary assessment of the family's eligibility. Applicants for whom the waiting list is open must be placed on the waiting list unless the LACDA determines the family to be ineligible. Where the family is determined to be ineligible, the LACDA will notify the family in writing [24 CFR 960.208(a); PH Occ GB, p. 41].

No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on t any of the thirteen waiting lists.

##### **Ineligible for Placement on the Waiting List**

###### LACDA Policy

Upon submission of the initial application, the LACDA will post on the online waiting list registration page the applicant's eligibility and waiting list(s) status.

Effective July 1, 2024, upon submission of the initial application, if any Head-of Household, Co-Head, Spouse, or Domestic Partner are currently receiving assistance within the LACDA's PH program, the applicant is determined as ineligible.

Should the family be determined as ineligible, based on the information provided during the initial application, the LACDA will notify the family in writing (or in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform them of their right to an informal hearing. Persons with disabilities may request to have an advocate attend the informal hearing as an accommodation. Refer to the chapter "Grievances and Appeals."

##### **Eligible for Placement on the Waiting List**

###### LACDA Policy

The purpose of the initial application is to permit the LACDA to determine placement on the waiting lists. At the time of the application intake, whether through the application phone line or website, the LACDA will obtain the following information:

Name, residence address and social security number of the head of household;

Name and social security number of any co-head, spouse/marital-type partner;

Name and social security number of each additional household member;

Date of birth for each household member;

Date and time of application;

Amount of annual income;

Disability status for each member;

Information regarding request for reasonable accommodation or a need for an accessible unit with specific features;

Employment address;

Veteran status if applicable; and

Homelessness status if applicable

The LACDA requires that applicants report in writing or update their online portal account to the LACDA of changes in family composition and address within 30 calendar days of the occurrence. The LACDA also requires that applicants respond to requests from the LACDA by the established due date, to update information on their application, or to determine their continued interest for assistance.

### **Initial application and placement on the waiting list**

If the head of household/co-head and/or spouse/marital-type partner no longer need housing assistance, or are deceased, their application and placement on the waiting list will be immediately forfeited and cannot be transferred to any other family member or person.

### **Multiple families in the same household**

When families apply that consist of two families living together, (such as a mother and father, and a daughter with their own husband or children), if they apply as a family unit, they will be treated as a family unit and will only be provided one (1) unit if offered housing.

The LACDA will assign families on the waiting list according to the bedroom size for which a family qualifies as established in its occupancy standards (see Chapter 5).

Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. When the family is selected from the waiting list, the LACDA will verify any preference(s) claimed and determine eligibility and suitability for admission to the program.



## **PART II: MANAGING THE WAITING LIST**

### **4-II.A. OVERVIEW**

The LACDA's is in compliance with its policies regarding the type of waiting list it will utilize as well as how the waiting list will be organized and managed. This includes policies on notifying the public on the opening and closing of the waiting list to new applicants, updating family information, purging the list of families that are no longer interested in or eligible for public housing, and conducting outreach to ensure a sufficient number of applicants.

In addition, HUD imposes requirements on how the LADCA may structure its waiting list and how families must be treated if they apply for more than one assisted housing program administered by the LACDA.

### **4-II.B. ORGANIZATION OF THE WAITING LIST**

The LACDA's public housing waiting lists is organized in such a manner that allows LACDA to accurately identify and select families in the proper order, according to the admissions policies described in this ACOP.

#### LACDA Policy

The waiting list will contain the following information for each applicant listed:

- Resident and employment address (if applicable) of the head of household
- Name, date of birth, and social security number of head of household, co-head/marital type partner
- Name, employment address, social security number, date of birth, relationship to the head of household for each additional member
- Amount of the household's gross annual income
- Disability status for each member
- Accessibility requirement, if any (need for an accessible unit with specific features)
- Date and time of application or application number
- Household type (family, elderly, disabled)
- Admission preference, if any
- Veteran status if applicable
- Homeless if applicable
- Race and ethnicity of the head of household
- The specific public housing wait list(s) selected

The LACDA requires that applicants report in writing or update their online portal account to the LACDA of changes in family composition and address within 30 calendar days of the occurrence. The LACDA also requires that applicants respond to requests from the LACDA by the established due date, to update information on their application, or to determine their continued interest for assistance.

The LACDA may adopt one community-wide waiting list or site-based waiting lists. The LACDA must obtain approval from HUD through submission of its Annual Plan before it may offer additional site-based waiting lists. Site-based waiting lists allow families to select the development where they wish to reside and must be consistent with all applicable civil rights and fair housing laws and regulations [24 CFR 903.7(b)(2)].

#### LACDA Policy

Currently, the LACDA maintains thirteen separate waiting lists, with seven of those waiting lists designated as Elderly-Only housing developments; approved by HUD:

Carmelitos Family

East County Family

Quartz Hill Family

Harbor Hills Family

Santa Monica Family

South Scattered Sites Family

#### **Elderly-Only waiting lists:**

South Bay Gardens Senior

Carmelitos Senior

East County Senior

West Knoll/Palm Senior

Marina Manor Senior

Orchard Arms Senior

Foothill Villa Senior

Note: HUD requires that public housing applicants must be given the opportunity to be placed on the waiting list for any tenant-based or project-based voucher or moderate rehabilitation program that the LACDA administers if 1) the other programs' waiting lists are open, and 2) the family is qualified for the other programs [24 CFR 982.205(a)(2)(i)].

HUD permits, but does not require, that the LACDA maintain a single merged waiting list for their public housing, Section 8, and other subsidized housing programs [24 CFR 982.205(a)(1)].

#### LACDA Policy

The LACDA will **not** merge the public housing waiting lists with the waiting lists for any other program that the LACDA administers.

## **4-II.C. OPENING AND CLOSING THE WAITING LIST**

### **Closing the Waiting List**

The LACDA is permitted to close the waiting list, in whole or in part, if it has an adequate pool of families to fully lease units in all of its developments. The LACDA may close the waiting list completely, or restrict intake by preference, type of project, or by size and type of dwelling unit. [PH Occ GB, p. 31].

#### LACDA Policy

The LACDA, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. The decision to close any of the thirteen waiting lists will be based on the number of applications available for a particular size and type of unit, and the ability of the LACDA to house an applicant in an appropriate unit within a reasonable period of time.

### **Reopening the Waiting List**

If the waiting list has been closed, it may be reopened at any time. The LACDA will publish a notice announcing the opening of the waiting list in local newspapers of general circulation, minority media, and other suitable media outlets. Such notice must comply with HUD fair housing requirements. The LACDA will specify who may apply, and how/ where, and when applications will be accepted.

#### LADCA Policy

The LACDA will publicly announce the decision to close any of the thirteen waiting lists and/or restrict intake through public notice in local newspaper publications, media entities, and social service agencies. The public notice will contain the date and time when the LACDA will close a waiting list. Generally, the LACDA will give at least ten (10) days' notice prior to closing any of the thirteen site-based waiting lists. Furthermore, during the period when a waiting list is closed, the LACDA will **not** maintain a list of individuals who wish to be notified when a waiting list is open.

Upon a reasonable accommodation request from a person with a disability, an accommodation may be granted such as additional time for submission of an application after the closing deadline. An individual may request a reasonable accommodation at any time.

Opening of a waiting list will be announced in the same manner as closing of a waiting list. This notice will be made in an accessible format if requested. It will provide potential applicants with information that includes the LACDA address and telephone number, how to apply, and information on eligibility requirements.

Unless a waiting list is closed, the LACDA will accept an application, even if the LACDA believes that the applicant is probably not eligible. If an applicant would like to be removed from a waiting list they selected, the applicant must submit a request in writing and submit this request prior to being selected from a specific waiting list.

#### **4-II.D. FAMILY OUTREACH [24 CFR 903.2(d); 24 CFR 903.7(a) and (b)]**

The LACDA WILL conduct outreach as necessary to ensure that the LACDA has a sufficient number of applicants on the waiting list to fill anticipated vacancies and to assure that the LACDA is affirmatively furthering fair housing and complying with the Fair Housing Act.

Because HUD requires the LACDA to admit a specified percentage of extremely low-income families, the LACDA may need to conduct special outreach to ensure that an adequate number of such families apply for public housing.

LACDA outreach efforts must comply with fair housing requirements. This includes:

- Analyzing the housing market area and the populations currently being served to identify underserved populations;
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program; and
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class.

The LACDA's outreach efforts must be designed to inform qualified families about the availability of units under the program. These efforts may include, as needed, any of the following activities:

- Submitting press releases to local newspapers, including minority newspapers;
- Developing informational materials and flyers to distribute to other agencies;
- Providing application forms to other public and private agencies that serve the low income population; and
- Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities;

##### LACDA Policy

The LACDA will monitor the characteristics of the population being served and the characteristics of the population as a whole in the LACDA's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

#### **4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES**

##### LACDA Policy

While the family is on the waiting list, the family must inform the LACDA, within 30 calendar days of the occurrence (i.e., in family size or composition, preference status, or contact information, including current residence, employment address (if applicable), mailing address, and phone number. The changes must be submitted in writing (i.e., mail or via the online portal).

The LACDA requires that applicants report their changes in writing at 700 W. Main Street, Alhambra, CA 91801, ATTN Housing Operations Division **or** update their online portal account. The LACDA also requires that applicants respond to requests from the

LACDA by the established due date, to update information on their application, or to determine their continued interest for assistance.

#### **4-II.F. UPDATING THE WAITING LIST**

HUD requires the LACDA to establish policies that describe the circumstances under which applicants will be removed from the waiting list [24 CFR 960.202(a)(2)(iv)].

##### **Purging the Waiting List**

The decision to remove an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to the LACDA's request for information or updates in writing or verbally because of the family member's disability, the LACDA must, upon the family's request, reinstate the applicant family to their former position on the waiting list as a reasonable accommodation [24 CFR 8.4(a), 24 CFR 100.204(a), and PH Occ GB, p. 39 and 40]. See Chapter 2 for further information regarding reasonable accommodations.

##### LACDA Policy

The waiting list will be updated as needed to ensure that all applicant information is current and timely.

To update the waiting list, the LACDA will send an update request via first class mail to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program.

This update request will be sent to the applicant's last known address that the LACDA has on record. The interest notices/update requests will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from any of the 13 waiting lists.

The family's response must be in accordance with the LACDA's established methods for a response (i.e., writing, online, or call the LACDA during the permitted time to respond). Written responses must be postmarked or received by the LACDA not later than the established due date. If the family fails to respond within established due date, the family will be removed from any of the 1313 waiting lists without further notice.

If the interest notice is returned by the U.S. Postal Office, the applicant will be removed from all selected waiting list without further notice.

If a family is removed from the waiting list for failure to respond, the LACDA may reinstate the family if the lack of response was due to LACDA error, to circumstances beyond the family's control, as a result of a family member's disability, or as a direct result of status as a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, including an adverse factor resulting from such abuse. The LACDA will require the family to provide verification connected to the reason for the cancellation.

A waiting list may be purged at least once a year by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing and/or notification on the LACDA website/online portal will request for current information and confirmation of

continued interest in the program. Notices will be made available in an accessible format upon the request of a person with a disability.

## **Removal from the Waiting List**

### LACDA Policy

If an applicant is no longer interested in a specific or all 13 public housing waiting list(s), the LACDA will remove an applicant from the waiting list upon written request. In such cases no informal hearing is required.

Should an applicant fail to respond within by the established due date s/he will be removed from all selected waiting lists. If a letter is returned by the U.S. Postal Office with a forwarding address, it will be considered as 'returned undeliverable' and the applicant will be subject to removal from all selected waiting lists. An extension to reply to the purge notification will be considered as a reasonable accommodation if requested by a person with a disability. The LACDA will also consider as an accommodation the reinstatement of an applicant who did not respond in the timeframe described above because of a verified reason connected to a disability.

Additionally, once an application packet has been mailed to the applicant's last known address, the LACDA does not permit applicants to self-cancel because the family prefers to wait until they are reached at the top for their preferred wait list (wait list not yet selected), the applicant will be removed from any of the 13 wait lists. However, if the family's reason for the request is out of their control, as a direct result of status, such as a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, including an adverse factor resulting from such abuse, the LACDA will consider the circumstances, so as long as the family can provide verification connected to the reason for the cancellation.

## **REINSTATEMENTS**

Granting a request for re-instatement by applicants removed from all selected waiting lists due to their failure to respond will be at the discretion of the LACDA in consideration of factors such as: Proof required.

A verified family/health/work emergency;

The applicant failed to respond to a request for information or updates because of a family member's disability;

The applicant can provide verification or attest they were homeless at the time of the mailing;

The applicant can verify a mail delivery problem;

The applicant failed to respond to a request for information due to the applicant's status as a victim of domestic violence, dating violence, sexual assault, or stalking.

Periodically, applicants will call to check their status on the waiting list and learn that they have been purged from the waiting list. In extenuating circumstances, such as those listed above, the applicant may be reinstated. However, the applicant **must** provide

documentation of the circumstances. Such requests will be reviewed and decided on a case-by-case basis by the LACDA.

In addition, the LACDA will remove applicants from all selected public housing waiting lists once they have been housed, have requested in writing that their names be removed, have not responded to the LACDA's request for information, have not met the eligibility/suitability screening criteria, or they have refused an offer of housing without good cause (24 CFR 960.206).

Applicants who are denied (because the LACDA determined they were ineligible/unsuitable) are entitled to an informal hearing. Please refer to chapter 14 "Grievances and Appeals."



## **PART III: TENANT SELECTION**

### **4-III.A. OVERVIEW**

The LACDA must establish tenant selection policies for families being admitted to public housing [24 CFR 960.201(a)]. The LACDA must not require any specific income or racial quotas for any developments [24 CFR 903.2(d)]. The LACDA must not assign persons to a particular section of a community or to a development or building based on race, color, religion, sex, disability, familial status, or national origin for purposes of segregating populations [24 CFR 1.4(b)(1)(iii) and 24 CFR 903.2(d)(1)].

The order in which families will be selected from the waiting list depends on the selection method chosen by the LACDA and is impacted in part by any selection preferences that the family qualifies for. The availability of units also may affect the order in which families are selected from the waiting list.

The LADCA maintains a clear record of all information required to verify that the family is selected from the waiting list according to the LACDA's selection policies [24 CFR 960.206(e)(2)]. The LACDA's policies are posted on the LACDA's website at <http://www.lacda.org> and a conspicuous area of the management offices. In accordance with HUD, the LADCA must provide a copy of its tenant selection policies upon request to any applicant or tenant. The LACDA may charge the family for providing a copy of its tenant selection policies [24 CFR 960.202(c)(2)].

#### LACDA Policy

When an applicant or resident family requests a copy of the LACDA's tenant selection policies, the LACDA will refer the requestor to the LACDA's website for an electronic copy at <https://www.lacda.org>, or will provide copies to them free of charge.

### **4-III.B. SELECTION METHOD**

The LADCA s must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that the LADCA will use.

#### **LOCAL PREFERENCES [24 CFR 960.206]**

The LACDA is permitted to establish local preferences and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits the LACDA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the Agency Plan and the Consolidated Plan and must be based on local housing needs and priorities that can be documented by generally accepted data sources [24 CFR 960.206(a)].

#### LACDA Policy

A preference is not an automatic guarantee of admission to the program. Preferences are used to establish the order of placement on the waiting lists. Every applicant must meet the LACDA's Selection Criteria as defined in this policy.

The LACDA's preference system will work in combination with requirements to match the characteristics of the family to the type of unit available, including units with targeted populations, and further de-concentration of poverty in public housing. When such

matching is required or permitted by current law, the LACDA will give preference to qualified families.

The LACDA will mail a full application to families who reach the top of a waiting list. The LACDA will verify their waitlist preference status. Applicants may not retain their preference status on a waiting list if upon verification of their preference, it is deemed invalid. Furthermore, applicants will be returned to the wait list without the preference status and will maintain the original registration date. Applicant will be cancelled if they fail to complete the application process and will be removed from all other site-based wait list the family selected.

Among applicants with equal preference status, waiting lists will be organized according to date and time of application.

### **Local Preferences**

Local preferences will be used to select among applicants on a waiting list. A public notice with opportunity for public comment will be held before the LACDA adopts or changes any local preference.

The notice will be distributed following the same guidelines as those used for opening or closing a waiting list.

### **General Occupancy Housing Developments**

The LACDA has established the following local admissions preferences for general occupancy housing developments:

In accordance with the State of California Health and Safety Code section 34322.2, the LACDA gives priority to families of veterans and servicepersons including the spouse/marital-type partner of a deceased veteran or serviceperson, within each of the admissions preference categories below.

#### **First Preference: Homeless**

##### **Homeless Families and Victims of Domestic Violence:**

The LACDA provides a countywide waiting list preference for homeless families. The preference is limited to 30% of the number of vacant general occupancy public housing units available on July 1 of each fiscal year. The family must consist of two (2) or more persons with one (1) member being under the age of 18 or be single elderly and/or disabled person. Victims of domestic violence, dating violence, sexual assault or stalking receive the same admissions preference as homeless families.

For the family properties located specifically in the South Los Angeles County area, the LACDA provides an expanded waiting list homeless preference by first offering any unit that becomes available to a homeless family.

Effective July 01, 2021, the LACDA will provide an expanded waiting list homeless preference, limited to three (3) households per year, for each of the family housing developments at Carmelitos, Nueva Maravilla, and Harbor Hills.

To qualify for this preference, homeless families must be referred by a Joint Powers Authority (JPA), County agencies or Community Based Organizations (CBOs) with a contract or Memorandum of Understanding (MOU) in place with the LACDA. Additionally, the LACDA will require partner agencies to use a Coordinated Access System for homeless referrals. The referring agency must provide a certification of the family's homeless status.

**Transitional Aged Youth (TAY):**

The LACDA provides a homeless preference to TAY. This preference is limited to 3 households per housing development at Carmelitos, Harbor Hills, and Nueva Maravilla, where on-site services are available to ensure that case management will continue to be provided. In order to qualify for the TAY, the applicant must be referred to the LACDA by a JPA, County agencies or CBO with a contract or MOU in place with the LACDA. Additionally, the LACDA will require partner agencies to use a Coordinated Access System for homeless referrals.

**Second Preference:** Families that have been displaced by a natural disaster declared by the President of the United States or through a governmental action.

**Third Preference:** Families who live and/or work or who have been notified that they are hired to work in unincorporated Los Angeles County or who live in Los Angeles County and not covered by another PHA Public Housing program. Subject to an approved MOU agreement with local PHAs.

**Fourth Preference:** Families that do not live or work in unincorporated Los Angeles County.

**Elderly Families Housing Developments**

The LACDA has established the following local admissions preferences for elderly-only housing developments:

The LACDA is proposing a pilot program in partnership with the Public Defender's Office, and Aging and Disabilities Department, to create a pathway for elderly justice involved families to access safe and affordable housing. An elderly family is a household whose head, co-head, spouse, or sole member is a person who is at least 62 years of age. An elderly family may consist of two or more persons who are at least 62 years of age living with one or more live-in aides.

Upon Board approval the LACDA will provide a waiting list preference for justice-involved elderly families that were previously incarcerated or have conviction histories with obstacles to accessing or securing stable and affordable housing, limited to five (5) households per year. Elderly families must be referred by a partnering agency with a contract or Memorandum of Understanding in place with the LACDA. The referring agency must provide a certification of the elderly family's conviction history and need for housing. The LACDA will evaluate the results of the pilot program to determine necessary program adjustments in support of the long-term success of referred elderly families.

In accordance with the State of California Health and Safety Code section 34322.2, the LACDA gives priority to families of veterans and servicepersons including the spouse/marital-type partner of a deceased veteran or serviceperson, within each of the admissions preference categories below.

**First Preference:** For the Carmelitos, Nueva Maravilla “Rosas”, and Francisquito Villa senior designated properties, 25% of anticipated annual vacancies will be offered to homeless elderly families. Elderly families must be referred by a partnering agency with a contract or MOU in place with the LACDA. The referring agency must provide a certification of the elderly family’s homeless status. An elderly family is a household whose head, co-head, spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.

**Second Preference:** Elderly Families that live and/or work or who have been notified that they are hired to work in unincorporated Los Angeles County or who live in Los Angeles County and not covered by another PHA Public Housing program. Subject to an approved MOU agreement with local PHAs.

**Third Preference:** Elderly Families who do not live and/or work in unincorporated Los Angeles County.

The LACDA has an MOU with the Long Beach Housing Authority to permit residents of the City of Long Beach to be classified as in-jurisdiction applicants for housing at the Carmelitos Public Housing development only. Once the LACDA provides public housing assistance to a City of Long Beach resident at the Carmelitos Public Housing development, the resident must abide by and is governed by all policies in the LACDA’s Admissions and Continued Occupancy Policy, Public Housing Lease Agreement (“Lease”), any Lease addendums and any other Public Housing rules and policies. Additionally, these residents are eligible to transfer to any other Public Housing development owned by the LACDA. Approval of a transfer request is delineated in Chapter 7 “Transfer Policy”.

### **Verification Of Preference Qualification**

A family’s placement on any one of the thirteen waiting lists is based upon whether the family qualifies for an admissions preference. When a family is selected from one of the waiting lists during the final determination of eligibility, the LACDA shall verify the preference.

If the preference verification indicates that the family did not qualify for an admissions preference at the time of selection, the family will be returned to the waiting list and ranked **without** regard for a local preference and given an opportunity for a review.

### **Change in Circumstances**

Changes in applicant’s circumstances while on any of the thirteen waiting lists may affect the family’s entitlement to a preference. Applicants are required to notify the LACDA in writing when their circumstances change within 30 calendar days of the occurrence. When an applicant claims an additional preference, s/he will be placed on a waiting list in the proper order of their newly claimed preference.

## **Preference Denial**

If the LACDA denies a preference, the LACDA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal hearing. The applicant will have ten calendar days to request the hearing in writing. If the preference denial is upheld as a result of the hearing, or the applicant does not request a hearing, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against by the LACDA.

## **Factors Other Than Preferences That Affect Selection of Applicants**

Before applying its preference system, the LACDA will first match the characteristics of the available unit to the applicants available on a specific waiting list. Factors such as unit size, accessible features, de-concentration, or income mixing, income targeting, or units in housing designated for the elderly and/or disabled limit the admission of families to those characteristics that match the characteristics and features of the vacant unit available.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application.

A family that is disabled and requires specific accessible features, will be prioritized for vacant ADA units ahead of a family that is non-disabled.

## **INCOME TARGETING REQUIREMENT [24 CFR 960.202(b)]**

HUD requires that extremely low-income (ELI) families make up at least 40 percent of the families admitted to public housing during the LACDA's fiscal year. ELI families are those with annual incomes at or below the federal poverty level or 30 percent of the area median income, whichever number is higher [*Federal Register* notice 6/25/14]. To ensure this requirement is met, the LACDA may skip non-ELI families on the waiting list in order to select an ELI family.

Because the LACDA also administered the Housing Choice Voucher (HCV) program, admissions of extremely low-income families to the LACDA's HCV program during a LACDA fiscal year that exceed the 75 percent minimum target requirement for the voucher program, shall be credited against the LACDA's basic targeting requirement in the public housing program for the same fiscal year. However, under these circumstances the fiscal year credit to the public housing program must not exceed the lower of: (1) ten percent of public housing waiting list admissions during the LACDA's fiscal year; (2) ten percent of waiting list admissions to the LACDA's HCV during the fiscal year; or (3) the number of qualifying low-income families who commence occupancy during the fiscal year of LACDA's public housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

### **LACDA Policy**

The LACDA will monitor its admissions to ensure that at least 40% of families admitted to public housing in each fiscal year shall have incomes that do not exceed 30% of area median income of the LACDA's jurisdiction.

The LACDA shall, at its discretion, at least annually, exercise the "fungibility" provision of QHwRA by admitting less than 40% of "extremely low-income families" to public

housing in a fiscal year, to the extent that the LACDA has provided more than 75% of newly available Section 8 Housing Choice Vouchers to “extremely low-income families.” This fungibility provision discretion by the LACDA is also reflected in the LACDA’s Section 8 Administrative Plan.

The fungibility credits will be used to drop the annual requirement below 40% of admissions to public housing for extremely low-income families by the lowest of the following amounts:

The number of units equal to 10% of the number of newly available vouchers in the fiscal year; or

The number of public housing units that 1) are in public housing developments located in census tracts having a poverty rate of 30% or more, and 2) are made available for occupancy by and occupied in that year by, families other than extremely low-income families.

The Fungibility Floor: Regardless of the above two amounts, in a fiscal year, at least 30% of the LACDA’s admissions to public housing will be for extremely low-income families. The fungibility floor is the number of units that cause the LACDA’s overall requirement for housing extremely low-income families to drop to 30% of its newly available units.

### **Mixed Population Developments [24 CFR 960.407]**

A mixed population development is a public housing development or portion of a development that was reserved for elderly families and disabled families at its inception (and has retained that character) or the LACDA at some point after its inception obtained HUD approval to give preference in tenant selection for all units in the development (or portion of a development) to elderly and disabled families [24 CFR 960.102]. Elderly family means a family whose head, spouse, cohead, or sole member is a person who is at least 62 years of age. Disabled family means a family whose head, spouse, cohead, or sole member is a person with disabilities [24 CFR 5.403]. The LACDA will give elderly and disabled families equal preference in selecting these families for admission to mixed population developments. The LACA may not establish a limit on the number of elderly or disabled families that may occupy a mixed population development. In selecting elderly and disabled families to fill these units, the LACDA will first offer the units that have accessibility features for families that include a person with a disability and require the accessibility features of such units. The LACDA may not discriminate against elderly or disabled families that include children (Fair Housing Amendments Act of 1988).

### **UNITS DESIGNATED FOR ELDERLY OR DISABLED FAMILIES [24 CFR 945]**

The LACDA may designate developments or portions of a public housing developments specifically for elderly or disabled families. The LACDA must have a HUD-approved allocation plan before the designation may take place.

Among the designated developments, the LACDA must also apply any preferences that it has established. If there are not enough elderly families to occupy the units in a designated elderly development, the LACDA may allow near-elderly families to occupy the units [24 CFR 945.303(c)(1)]. Near-elderly family means a family whose head, spouse, or cohead is at least 50 years old, but is less than 62 [24 CFR 5.403].

If there are an insufficient number of elderly families and near-elderly families for the units in a development designated for elderly families, the LACDA must make available to all other families any unit that is ready for re-rental and has been vacant for more than 60 consecutive days [24 CFR 945.303(c)(2)].

The decision of any disabled family or elderly family not to occupy or accept occupancy in designated housing shall not have an adverse effect on their admission or continued occupancy in public housing or their position on or placement on the waiting list. However, this protection does not apply to any family who refuses to occupy or accept occupancy in designated housing because of the race, color, religion, sex, disability, familial status, or national origin of the occupants of the designated housing or the surrounding area [24 CFR 945.303(d)(1) and (2)].

This protection does apply to an elderly family or disabled family that declines to accept occupancy, respectively, in a designated project for elderly families or for disabled families, and requests occupancy in a general occupancy project or in a mixed population project [24 CFR 945.303(d)(3)].

### LACDA Policy

#### **Units Designated for The Elderly**

The LACDA submitted an Allocation Plan as required by the 1992 Housing Act to designate specific units or sites for elderly applicants only. HUD approved the designation of twelve Public Housing developments as Elderly-Only (all household members must be 62 years of age or older). In accordance with the 1992 Housing Act, elderly families will receive a preference for admission to these twelve Elderly-Only housing developments. If there is a shortage of Elderly-Only applicants, the LACDA has the option to house near-elderly families (ages fifty to sixty-one years of age).

HUD approved the senior designation of the housing developments listed below on August 27, 2013. A non-elderly resident (61 years or younger) living at any of the Elderly-Only housing developments listed below prior to August 27, 2013, is “grandfathered” in and allowed to remain at the property. If a resident living at a Senior Only housing development request to add a new household member to their Lease after August 27, 2013, the new household member must be 62 years or older. It is the policy of the LACDA to comply fully with all Federal, State, and local nondiscrimination laws and with rules and regulations governing Fair Housing and Equal Opportunity in housing and employment. The LACDA will comply with all laws relating to Civil Rights. Refer to the Fair Housing Amendments Act of 1988, 24 CFR 960.102, 24 CFR 960.407, 24 CFR 945, and 1992 Housing Act.

#### **Elderly-Only Housing Developments**

Carmelitos, Long Beach

Nueva Maravilla “Rosas”, Los Angeles

West Knoll, Hollywood

Palm, Hollywood

Marina Manor I, Marina Del Rey

Marina Manor II, Marina Del Rey  
Orchard Arms, Valencia  
Foothill Villa, La Crescenta  
Francisquito Villa, La Puente  
Whittier Manor, Whittier  
Herbert Avenue, Los Angeles  
South Bay Gardens, Los Angeles

### **Units Designated for the Disabled**

The LACDA may elect at some future time to submit an Allocation Plan as required by the 1992 Housing Act to designate specific units or sites for disabled applicants only. In accordance with the 1992 Housing Act, disabled families with a head of household/co-head and/or spouse/marital-type partner or sole member who qualifies as a person with disabilities as defined in 24 CFR 945.105 will receive a preference for admission to units that are covered by a HUD-approved Allocation Plan.

### **General Occupancy Units**

General occupancy units are designed to house all populations of eligible families. In accordance with the LACDA's occupancy standards, eligible families will be admitted to the LACDA's general occupancy units.

The LACDA will use its local preference system as stated in this chapter for admission of eligible families to its general occupancy units.

## **DECONCENTRATION OF POVERTY AND INCOME-MIXING [24 CFR 903.1 and 903.2]**

The LACDA's admission policy must be designed to provide for deconcentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income developments. A statement of the LACDA's deconcentration policies is included in its Annual Plan [24 CFR 903.7(b)]. A resident's gross annual income is used to determine income limits at admission and for income-mixing purposes.

Note: Developments subject to the deconcentration requirement are referred to as 'covered developments' and include general occupancy (family) public housing developments. The following developments are not subject to deconcentration and income mixing requirements: developments operated by the LACDA with fewer than 100 public housing units; mixed population or developments designated specifically for elderly or disabled families; developments operated by the LACDA with only one general occupancy development; developments approved for demolition or for conversion to tenant-based public housing; and developments approved for a mixed-finance plan using HOPE VI or public housing funds [24 CFR 903.2(b)].

The LACDA's deconcentration policy is in compliance with its obligation to meet the income targeting requirement [24 CFR 903.2(c)(5)].

### ***Steps for Implementation [24 CFR 903.2(c)(1)]***

To implement the statutory requirement to deconcentrate poverty and provide for income mixing in covered developments, the LACDA must comply with the following steps:

**Step 1.** The LACDA must determine the average income of all families residing in all the LACDA's covered developments. The LACDA may use the median income, instead of average income, provided that the LACDA includes a written explanation in its annual plan justifying the use of median income.

#### LADCA Policy

The LACDA's admission policy is designed to provide for de-concentration of poverty and income-mixing by bringing higher income residents into lower income developments and lower income residents into higher income developments.

A resident's gross annual income is used to determine income limits at admission and for income-mixing purposes.

### **DE-CONCENTRATION AND INCOME-MIXING GOALS**

The LACDA's de-concentration and income-mixing goal, in conjunction with the requirement to target at least 40 percent of new admissions to public housing in each fiscal year to "extremely low-income families," will be to admit higher income families to lower income developments, and lower income families to higher income developments.

De-concentration will apply to transfer families as well as applicant families.

**Step 2.** The LACDA must determine the average income (or median income, if median income was used in Step 1) of all families residing in each covered development. In determining average income for each development, the LACDA has the option of adjusting its income analysis for unit size in accordance with procedures prescribed by HUD.

#### LACDA Policy

The LACDA's admission policy is designed to provide for de-concentration of poverty and income-mixing by bringing higher income residents into lower income developments and lower income residents into higher income developments. The LACDA will determine on an annual basis the average income of all families residing in general occupancy developments (not adjusting for unit size).

A resident's gross annual income is used to determine income limits at admission and for income-mixing purposes.

**Step 3.** The LACDA'S de-concentration and income-mixing goal, in conjunction with the requirement to target at least 40 percent of new admissions to public housing in each fiscal year to "extremely low-income families," will be to admit higher income families to lower income developments, and lower income families to higher income developments.

De-concentration will apply to transfer families as well as applicant families.

LACDA will determine whether each of its covered developments falls above, within, or below the established income range (EIR), which is from 85% to 115% of the average family income determined in Step 1. *However, the upper limit must never be less than the income at which a family would be defined as an extremely low-income family (federal poverty level or 30 percent of median income, whichever number is higher)*

**Step 4.** The LACDA will then determine whether or not the developments having average incomes outside the EIR or not these developments are consistent with its local goals and LACDA Annual Plan.

**Step 5.** Where the income profile for a covered development is not explained or justified in the Annual Plan submission, the LACDA may explain or justify the income profile of these developments as being consistent with and furthering two sets of goals:

1. Goals of de-concentration of poverty and income mixing (bringing higher income residents into lower income developments and vice versa); and
2. Local goals and strategies contained in the LACDA's Agency Plan.

### **De-Concentration Policy**

Depending on local circumstances the LACDA's deconcentration policy may include, but is not limited to the following:

- Skipping a family on any of the 13 wait lists to reach another family in an effort to further the goals of LACDA's deconcentration policy.
- If a unit becomes available at a development below the EIR, the first eligible family on a waiting list with income above the EIR will be offered the unit. If that family refuses the unit, the next eligible family on the waiting list with income above the EIR will be offered the unit. The process will continue in this order. For the available unit at the development below the EIR, if there is no family on the waiting list with income above the EIR, or no family with income above the EIR accepts the offer, then the unit will be offered to the next family regardless of income.
- If a unit becomes available at a development above the EIR, the first eligible family on the waiting list with income below the EIR will be offered the unit. If that family refuses the unit, the next eligible family on the waiting list with income below the EIR will be offered the unit. The process will continue in this order. For the available unit at the development above the EIR, if there is no family on the waiting list with income below the EIR, or no family with income below the EIR accepts the offer, then the unit will be offered to the next family regardless of income.

Skipping of families for de-concentration purposes will be applied uniformly to all families.

- A family has the sole discretion whether to accept an offer of a unit made under the LACDA's de-concentration policy. The LACDA shall not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under this de-concentration policy. However, the LACDA shall uniformly limit the number of offers received by applicants, described in this Chapter.
- The LACDA provides a waiting list preference to homeless families referred by the agencies listed in this Chapter. Only the veteran/serviceperson and homeless preferences can override de-concentration and income mixing policies.
- If the average incomes of all general occupancy developments are within the Established Income Range, the LACDA will be considered to be in compliance with the de-concentration agreement.

- Nothing in the de-concentration policy relieves the LACDA of the obligation to meet the income targeting requirements.

#### LACDA Incentives for Higher Income Families

- The LACDA may offer certain incentives to encourage families to accept units in developments where their income level is needed, including rent incentives, affirmative marketing plans, or added amenities.
- Targeting investment and capital improvements toward developments with an average income below the EIR to encourage families with incomes above the EIR to accept units in those developments.
- Establishing a preference for admission of working families in developments below the EIR.

#### Promotion of Integration

Beyond the basic requirement of nondiscrimination, LACDA shall affirmatively further fair housing to reduce racial and national origin concentrations.

The LACDA shall not require any specific income or racial quotas for any development or developments.

The LACDA shall not assign persons to a particular section of a community or to a development or building based on race, color, religion, sex, gender, gender identity and expression, family status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18), national origin, marital status, ancestry, age, sexual orientation, disability, medical condition, source of income, genetic information, military and veteran status, arbitrary characteristics, or any other basis prohibited by law for purposes of segregating populations.

Providing other strategies permitted by statute and determined by the LACDA in consultation with the residents and the community through the annual plan process to be responsive to local needs and LACDA strategic objectives.

A family has the sole discretion whether to accept an offer of a unit made under the LACDA's deconcentration policy. The LADCA must not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under the LADCA's deconcentration policy [24 CFR 903.2(c)(4)].

If, at annual review, the average incomes at all general occupancy developments are within the EIR, the LACDA will be considered to be in compliance with the deconcentration requirement and no further action is required.

#### **ORDER OF SELECTION [24 CFR 960.206(e)]**

The LACDA'S system of preferences will select families either according to the date and time of application and LACDA's local preferences.

#### LACDA Policy

Families will be selected from the waiting list based on date and time, then preference points. Among applicants with the same preference points, families will be selected on a

first-come, first-served basis according to the date and time their complete application is received by the LACDA.

When selecting applicants from the waiting list, the LACDA will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the selected public housing waiting list(s) and deemed eligible. The LACDA will offer the unit to the highest-ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application or higher preference status.

Factors such as deconcentration or income mixing, and income targeting will also be considered in accordance with HUD requirements and PHA policy.

#### 4-III.C. NOTIFICATION OF SELECTION

When the family has been selected from the waiting list, the LACDA will notify the in writing [24 CFR 960.208].

##### LACDA Policy

The LACDA will notify the family by first class mail when it is selected from the waiting list, including application status update on the LACDA's online application portal.

The notice will inform the family of the following:

- Application Due date and LACDA's return mailing address; or

- Date, time, and location of the scheduled application interview (if applicable), including any procedures for rescheduling the interview;

- Who is required to attend the interview;

- Documents that must be provided at the interview (mailed by the due date with the full-application packet) to document the legal identity of household members, including information about what constitutes acceptable documentation;

- Documents that must be provided at the interview (or to be mailed by the due date with the full-application packet) to document eligibility for a preference, if applicable; and

- Other documents and information to be submitted with the application packet or that should be brought to the interview (if applicable).

Reasonable accommodation(s) will be made for persons with a disability that may include: providing materials in formats requested by applicants, allowing applicants to be represented by a family member, advocate, or case worker designated by the applicant, completing paperwork at a site other than the LACDA administrative office for applicants who cannot come to the office for a reason connected to their disability, granting extended time for responses to persons who cannot respond within the established timeframes because of a disability and reinstating applicants who do not respond within established timeframes due to a verified reason connected to a disability.

Preferences are based on an applicant's current status and shall be verified during the eligibility review, regardless of the length of time an applicant may have been on a specific waiting list. **The preference must exist at the time the LACDA initiates verification of applicant information.** The LACDA shall conduct Third Party Verification (TPV) of eligibility and preference at the time the LACDA initiates the eligibility review.

Additionally, the LACDA shall provide the applicant with the opportunity to complete information on Form HUD-92006, "Supplement to Application for Federally Assisted Housing". The forms give applicants the option to identify an individual or organization that the LACDA may contact and the reason(s) the individual may be contacted. The applicant must sign and date Form HUD-92006 if the applicant elects to provide the additional contact information. The LACDA shall not require any individual or family applying for occupancy to provide the contact information as providing contact information is optional on the part of the individual or family. The LACDA shall also provide applicants the opportunity at the time of admission to update,

remove or change contact information provided at the time of application. An applicant may provide Form HUD-92006 for each contact, indicating the reason the LACDA may contact the individual or organization. Those applicants who choose not to provide the contact information must check the box indicating that they “choose not to provide the contact information” and sign and date the form.

If a notification letter is returned to the LACD with or without a forwarding address, the family will be removed from all public housing waiting list selected without further notice. Such failure to act on the part of the applicant prevents the LACDA from making an eligibility determination, therefore the LACDA will not offer an informal hearing.

#### **4-III.D. THE APPLICATION INTERVIEW**

HUD recommends that the LACDA obtain the information and documentation needed to make an eligibility determination through a private interview. Being invited to attend an interview does not constitute admission to the program.

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if the LACDA determines that an applicant family is otherwise eligible to participate in the program, the LACDA will grant the family an extension to submit proof of SSN to allow the family to retain its place on the waiting list for ten (10) calendar days or designated due date. [Notice PIH 2018-24].

Reasonable accommodation must be made for persons with disabilities who are unable to attend an interview due to their disability [24 CFR 8.4(a) and 24 CFR 100.204(a)].

##### LACDA Policy

The LACDA utilizes the interview session to discuss the family’s circumstances in greater detail, to clarify information which has been provided by the family, and to ensure such information is complete. Families are also given information on LACDA services or programs that may be available.

All adult family members may be required to attend an in person or virtual interview. Exceptions may be made for adult students attending school out of state or for members for whom attendance would be a hardship.

It is the applicant’s responsibility to reschedule the interview and call the LACDA within five (5) business days if s/he misses the appointment. If the applicant does not reschedule or misses two scheduled meeting(s), the LACDA will cancel the application and will be removed from all other wait list selected by the applicant.

Reasonable accommodation will be made for persons with a disability that requires an advocate or accessible offices. A designee will be allowed to provide some information, but only with permission of the person with a disability.

If the LACDA determines at or after the interview that additional information or document(s) are needed, the LACDA will request the document(s) or information in a legible written format. An applicant may request to submit the required requested document(s) or information in an alternative format. The family will be given ten (10) calendar days to supply the information. Should this information not be supplied within

the timeframe, the LACDA will provide the applicant a notification of cancellation for assistance.

If the information is not supplied in this time period, the LACDA will provide the family a notification of denial for assistance and will be removed from all waiting list selected by the applicant. (See Chapter on Grievances and Appeals.)

The LACDA will verify for the following items upon the receipt of the application to determine qualification for admission to the LACDA's public housing program:

- Preference(s)

- Family composition and type (elderly/non-elderly)

- Annual income

- Assets and Asset Income

- Deductions from Annual Income

- Social Security Numbers for all family members

- Information used in applicant screening

- Citizenship or eligible immigration status

- Criminal history

- Rental history

- School enrollment (for all household members attending school)

- Credit history

Before the LACDA makes a **final** determination for qualification for admissions to the LACDA's Public Housing program, all adult family members may be required to attend an in person or virtual interview conducted by the LACDA. Exceptions may be made for adult students attending school out of state or for members for whom attendance would be a hardship.

The LACDA only transfers Head of Household status to persons listed on the waiting list or application as Spouse or Co-Head under the following circumstances:

- In the event of the death of the Head of Household, a person already listed as the Spouse or Co-Head on the waiting list or application may request a change of the Head of Household status by submitting a signed, written request along with a copy of the death certificate of the original Head of Household.

- In all other cases (including, but not limited to divorce, separation, abandonment, medical incapacity), the Head of Household status will be changed only when the original Head of Household submits to the LACDA a written release of the application to the Spouse or Co-Head, or if the Spouse or Co-Head requesting the transfer of Head of Household status submits to the LACDA legal documentation of his/her right to the application.

- Pending disclosure and documentation of social security numbers, the LACDA will allow the family to retain its place on the waiting list during the application process for ten (10) calendar days or designated due date. If not, all household members have disclosed their

SSNs at the next time a unit becomes available, the LACDA will offer a unit to the next eligible applicant family on the waiting list.

If the family is claiming a waiting list preference, the family must provide documentation to verify their eligibility for a preference (see Chapter 7). If the family is verified as eligible for the preference, the LACDA will proceed with the application process. If the LACDA determines the family is not eligible for the preference, the family will be placed back on the waiting list according to the date and time of their application without the local preference.

The family must provide the information necessary to establish the family's eligibility, including suitability, and to determine the appropriate amount of rent the family will pay. The family must also complete required forms, provide required signatures, and submit required documentation. If any materials are missing, the LACDA will provide the family with a written list of items that must be submitted.

Any required documents or additional information that the family is unable to provide at the initial due date or interview must be provided within ten (10) calendar days of the request (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of Social Security numbers and eligible noncitizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (see Chapter 3).

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

Mail communication, including interviews will be conducted in English. For limited English proficient (LEP) applicants, the LACDA will provide translation services in accordance with the LACDA's LEP plan.

If the family is unable to attend a scheduled interview, it is the applicant's responsibility to reschedule the interview and call the LACDA within five (5) business days prior to the appointment. LACDA will send a second notification letter with a new appointment date and time. If the applicant does not reschedule or misses two scheduled meeting(s), the LACDA will cancel the application and will be removed from all other wait list selected by the applicant.

The second appointment letter will state that failure to appear for the appointment without a request to reschedule will be interpreted to mean that the family is no longer interested, and their application will be cancelled. Such failure to act on the part of the applicant prevents the LACDA from making an eligibility determination, therefore the LACDA will not offer an informal hearing.

#### **4-III.E. FINAL ELIGIBILITY DETERMINATION [24 CFR 960.208]**

The LACDA must verify all information provided by the family (see Chapter 7). Based on verified information related to the eligibility requirements, including LACDA suitability standards, the LACDA must make a final determination of eligibility (see Chapter 3).

When a determination is made that a family is eligible and satisfies all requirements for admission, including tenant selection criteria, the applicant will be notified of the approximate date of occupancy insofar as that date can be reasonably determined [24 CFR 960.208(b)].

##### LACDA Policy

The PHA will notify a family in writing of their eligibility within 10 business days of the determination and will provide the approximate date of occupancy insofar as that date can be reasonably determined.

After the verification process is completed, the LACDA shall make a final determination of eligibility based upon information provided by the family, the verification conducted by the LACDA, and determination of resident suitability (refer to chapter on Eligibility for Admission). The LACDA will notify a family in writing of their eligibility and will provide the approximate date of occupancy insofar as that date can be reasonably determined (i.e., according to unit availability).

A final eligibility determination is needed since rules and regulations governing the housing program are subject to change by HUD and/or applicants may have experienced a change in circumstance(s) during the review process that may affect their eligibility.

The applicant is not actually eligible for a unit offer until this final determination has been made, even though they may have been preliminarily determined eligible and have been placed on the waiting list. **Additionally, applicants have a continuing obligation to provide material information to the LACDA within 30 calendar days of the occurrence.**

The LACDA will promptly notify any family determined to be ineligible for admission of the basis for such determination, and must provide the applicant upon request, within a reasonable time after the determination is made, with an opportunity for an informal hearing on such determination [24 CFR 960.208(a)].

##### LACDA Policy

If the LACDA determines that the family is ineligible, the PHA will send written notification of the ineligibility determination within 10 business days of the determination. The notice will specify the reasons for ineligibility and will inform the family of its right to request an informal hearing (see Chapter 14).

If the LACDA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before the LACDA can move to deny the application. See Section 3-III.G for the LACDA's policy regarding such circumstances.

The LACDA will provide the family a notice of VAWA rights (form HUD-5380) as well as the HUD VAWA self-certification form (form HUD-5382) in accordance with the

Violence against Women Act, and as outlined in 16-VII.C, at the time the applicant is provided assistance or at the time the applicant is denied assistance. This notice will be provided in both of the following instances: (1) when a family actually begins receiving assistance (lease execution); or (2) when a family is notified of its ineligibility.

## **Chapter 5**

### **OCCUPANCY STANDARDS AND UNIT OFFERS**

#### **INTRODUCTION**

The LACDA established policies governing occupancy of dwelling units and offering dwelling units to qualified families.

This chapter contains policies for assigning unit size and making unit offers. The LACDA's waiting list and selection policies are contained in Chapter 4. Together, Chapters 4 and 5 of the ACOP comprise the LACDA's Tenant Selection and Assignment Plan (TSAP).

Policies in this chapter are organized in two parts.

Part I: Occupancy Standards. This part contains the LACDA's standards for determining the appropriate unit size for families of different sizes, compositions, and types.

Part II: Unit Offers. This part contains the LACDA's policies for making unit offers and describes actions to be taken when unit offers are refused.



## PART I: OCCUPANCY STANDARDS

### 5-I.A. OVERVIEW

Occupancy standards are established by the LACDA to ensure that units are occupied by families of the appropriate size. This policy maintains the maximum usefulness of the units, while preserving them from underutilization or from excessive wear and tear due to overcrowding. Part I of this chapter explains the occupancy standards. These standards describe the methodology and factors the LACDA will use to determine the size unit for which a family qualifies and includes the identification of the minimum and maximum number of household members for each unit size. This part also identifies circumstances under which an exception to the occupancy standards may be approved.

### 5-I.B. DETERMINING UNIT SIZE

In selecting a family to occupy a particular unit, the LACDA may match characteristics of the family with the type of unit available, for example, number of bedrooms [24 CFR 960.206(c)].

HUD does not specify the number of persons who may live in public housing units of various sizes. LACDA is permitted to develop appropriate occupancy standards as long as the standards do not have the effect of discriminating against families with children [PH Occ GB, p. 62].

Although the LACDA does determine the size of unit the family qualifies for under the occupancy standards, the LACDA does not determine who shares a bedroom/sleeping room.

The LACDA's occupancy standards for determining unit size must be applied in a manner consistent with fair housing requirements.

#### LACDA Policy

The LACDA will use the same occupancy standards for each of its developments.

The LACDA's occupancy standards are as follows:

Generally, the LACDA will assign one bedroom for each **two (2) persons** within the following guidelines that:

A minimum of one person per bedroom.

All members of the family residing in the unit must be approved by the LACDA. The family must obtain approval of any additional family member before the person occupies the unit except for additions by birth, adoption, court-awarded custody and/or of a minor child approved by a social service agency (i.e., DPSS, DCFS, etc.), in which case the family must inform the LACDA within ten calendar days in a legible written format. An applicant may request to inform the LACDA in an alternative format.

The temporary absence of a child from the home due to placement in foster care may be considered in determining family composition and family size, which will be considered in determining bedroom size.

Live-in aides will be allocated a separate bedroom. No additional bedrooms will be provided for the live-in aide's family.

Children related to a household member by birth, adoption, or court awarded custody will be considered when determining unit size.

Foster children will be considered when determining unit size. The family may add foster children to the household as long as it does not overcrowd the unit based on the PHA's occupancy standards.

Children away at school, but for whom the unit is considered the primary residence, and children temporarily placed outside the home, will be considered when determining unit size.

Children in the process of being adopted will be considered when determining unit size.

Children who will live in the unit less than 50 percent of the time will not be considered when determining unit size.

The LACDA will reference the following standards in determining the appropriate unit bedroom size for a family:

<b>BEDROOM SIZE</b>	<b>MINIMUM NUMBER OF MEMBERS</b>	<b>MAXIMUM NUMBER MEMBERS</b>
<b>0 BEDROOMS</b>	1	2
<b>1 BEDROOMS</b>	1	2
<b>2 BEDROOMS</b>	3	4
<b>3 BEDROOMS</b>	5	6
<b>4 BEDROOMS</b>	7	8
<b>5 BEDROOMS</b>	9	11

## **5-I.C. EXCEPTIONS TO OCCUPANCY STANDARDS**

### **Types of Exceptions**

#### **LACDA Policy**

The LACDA will consider granting exceptions to the occupancy standards at the family's request if the LACDA determines the exception is justified by the relationship, age, sex, health, or disability of family members, or reasonable accommodation.

For example, an exception may be granted if a larger bedroom size is needed for medical equipment due to its size and/or function, or as a reasonable accommodation for a person with disabilities. An exception may also be granted for a smaller bedroom size in cases where the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides (according to the chart in Section 5-I.B) and the family does not want to transfer to a larger size unit.

When evaluating exception requests the LACDA will consider the size and configuration of the unit. In no case will the LACDA grant an exception that is in violation of local housing or occupancy codes, regulations, or laws.

To prevent vacancies, the LACDA may provide an applicant family with a larger unit than the occupancy standards permit. However, in these cases the family must agree to move to a suitable, smaller unit when another family qualifies for the larger unit and there is an appropriate size unit available for the family to transfer to.

### **Processing of Exceptions**

#### **LACDA Policy**

All requests for exceptions to the occupancy standards must be submitted in writing.

In the case of a request for exception as a reasonable accommodation, the LACDA will encourage an existing resident to make the request in writing using a reasonable accommodation request form. However, the LACDA will consider the exception request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

Requests for a larger size unit must explain the need or justification for the larger size unit and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source unless the disability and the disability-related request for accommodation is readily apparent or otherwise known.

### **Person with Disability**

The LACDA will grant an exception upon request as a reasonable accommodation for persons with disabilities if the need is appropriately verified [\* and meets requirements in the "Reasonable Accommodations and Reasonable Modifications" section of Chapter 1].

Accessible units will be offered to non-mobility impaired applicants only with the understanding that such applicants must accept a transfer to a non-accessible unit at a

later date if a person with a mobility impairment requiring the unit applies for housing and is determined eligible. Refer to Chapter 3 Section U “Offer of Accessible Units.”

### **Other Circumstances**

Circumstances may dictate a larger size than the occupancy standards permit when:

As a reasonable accommodation.

Persons cannot share a bedroom because of a need for medical equipment due to its size and/or function. Verification from a doctor must accompany requests for a larger bedroom to accommodate medical equipment.

Requests based on health-related reasons must be verified by a doctor.

The LACDA will grant exceptions from the guidelines in cases where it is the family’s request or the LACDA determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances, and there is a vacant unit available. If an applicant requests to be listed on a smaller or larger bedroom size waiting list, the following guidelines will apply.

Applicants may request to be placed on any of the thirteen waiting lists for a unit size smaller than designated by the occupancy guidelines, (as long as the unit is not overcrowded according to local codes). The family must agree not to request a transfer until they have been admitted and have occupied the unit for 18 months.

The family may request to be placed on a larger bedroom size waiting list than indicated by the LACDA’s occupancy guidelines. The request must explain the need or justification for a larger bedroom size and must be verified by the LACDA before the family is placed on the larger bedroom size waiting list.

In all cases, where the family requests an exception to the general occupancy standards, the LACDA will evaluate the relationship and ages of all family members and the overall size of the unit.

The LADCA will notify the family of its decision within 10 calendar days of receiving the family’s request.

### **OCCUPANCY STANDARDS ARE APPLICABLE TO TRANSFERS**

When a change in the circumstances of a resident family requires another unit size, if the unit is not available at the time it is requested, the family will be placed on the Transfer List.

The unit considerations in this section should be used as a guide to determine whether and when the bedroom size should be changed. If a situation occurs which is not currently covered in this policy, the case should be taken to the property manager who will make the determination after review of the situation, the individual circumstances, and the verification provided.

### **OCCUPANCY BY POLICE OFFICERS**

In order to provide an increased sense of security for public housing residents the LACDA will allow a public housing unit to be occupied by a police officer if needed.

Police officers will not be required to be income eligible to qualify for admission to the LACDA's public housing program.

### **PLAN FOR UNIT OFFERS**

The LACDA plan for selection of applicants and assignment of dwelling units will assure equal opportunity and non-discrimination on grounds of race, color, religion, sex, gender, gender identity and expression, family status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18), national origin, marital status, ancestry, age, sexual orientation, disability, medical condition, source of income, genetic information, military and veteran status, arbitrary characteristics, or any other basis prohibited by law. The LACDA plan for selection is based on how many available units of suitable size and type within each of the thirteen waiting lists are available. This plan is also based on the distribution of vacancies within each of the thirteen waiting lists.

The applicant will be offered one (1) unit offer for the next available unit in the location within the waiting lists selected by the applicant. If the offer is rejected, the LACDA will cancel the applicant. The LACDA will proceed to remove the applicant's name from all wait lists selected. Removal from all selected waiting lists means the applicant must reapply.

If more than one unit of the appropriate type and size is available within a waiting list, the first unit to be offered will be the first unit that is ready for occupancy.

The LACDA will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection, including the reason for the rejection.

### **CHANGES PRIOR TO UNIT OFFER**

Changes that occur during the period between removal from a waiting list and an offer of a suitable unit may affect the family's eligibility or Total Resident Payment. The family will be notified in writing of changes in their eligibility or level of benefits and offered their right to an informal hearing when applicable. (See chapter on Grievances and Appeals.)



## **PART II: UNIT OFFERS**

24 CFR 1.4(b)(2)(ii); 24 CFR 960.208

### **5-II.A. OVERVIEW**

The LACDA assigns eligible applicants to dwelling units in accordance with a plan that is consistent with civil rights and nondiscrimination laws.

In filling an actual or expected vacancy, the LACDA must offer the dwelling unit to an applicant in the appropriate offer sequence. The LACDA will offer the unit until it is accepted. This section describes the LACDA's policies with regard to the number of units offers that will be made to applicants selected from the waiting list. This section also describes the LACDA's policies for offering units with accessibility features.

#### LACDA Policy

The LACDA will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection, including the reason for the rejection.

### **5-II.B. NUMBER OF OFFERS**

#### LACDA Policy

The LACDA has adopted a one offer plan" for offering units to applicants. Under this plan, the LACDA's selection is based on how many available units of suitable size and type within each of the thirteen waiting lists are available. This plan is also based on the distribution of vacancies within each of the thirteen waiting lists.

The applicant will be offered the next available unit in the location within the waiting lists selected by the applicant. If the offer is rejected, the LACDA will cancel the applicant. The LACDA will proceed to remove the applicant's name from all wait lists selected. Removal from all selected waiting lists means the applicant must reapply.

If more than one unit of the appropriate type and size is available within a waiting list, the first unit to be offered will be the first unit that is ready for occupancy.

The LACDA will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection, including the reason for the rejection.

### **5-II.C. TIME LIMIT FOR UNIT OFFER ACCEPTANCE OR REFUSAL**

#### LACDA Policy

Applicants must accept one (1) max unit offer made within three (3) calendar days of the date the offer is made. At the LACDA's discretion or for ADA accommodations, the LACDA may extend the timeframe to accept or reject a unit offer. Offers made over the telephone will be confirmed in writing by the LACDA. If the LACDA is unable to contact an applicant by telephone, the LACDA will write to the applicant to inform him/her of the unit offer.

For reasonable accommodations, additional unit offer(s) may be made to accommodate the applicant's approved ADA request.

Offers made by telephone will be confirmed by letter.

## **5-II.D. REFUSALS OF UNIT OFFERS**

When an applicant rejects the one (1) unit offer or fails to respond within the three (3) calendar days of the date the offer is made, the LACDA will remove the applicants name from all selected waiting list(s) and a written notice will be mailed to the last known applicant's address.

### **Good Cause for Unit Refusal**

An elderly or disabled family may decline an offer for designated housing. Such a refusal must not adversely affect the family's position on or placement on the public housing waiting list [24 CFR 945.303(d)].

#### LACDA Policy

Applicants may refuse to accept a unit offer for "good cause." *Good cause* includes situations in which an applicant is willing to move but is unable to do so at the time of the unit offer, or the applicant demonstrates that acceptance of the offer would cause undue hardship not related to considerations of the applicant's race, color, national origin, etc. [PH Occ GB, p. 104]. *Examples of good cause for refusal of a unit offer include, but are not limited to, the following:*

The family demonstrates to the LACDA's satisfaction that accepting the unit offer will require an adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities, or applicant needs to provide adequate notice to their current landlord of the termination of their lease.

The family demonstrates to the LACDA's satisfaction that accepting the offer will place a family member's life, health, or safety in jeopardy. The family must provide specific and compelling documentation such as restraining orders; other court orders; risk assessments related to witness protection from a law enforcement agency; or documentation of domestic violence, dating violence, sexual assault, stalking, or human trafficking in accordance with section 16-VII.D of this ACOP. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.

A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member.

The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move.

The unit has lead-based paint and the family includes children under the age of six.

In the case of a unit refusal for good cause the applicant will not be removed from the waiting list as described later in this section. The applicant will remain at the top of the

waiting list until the family receives an offer for which they do not have good cause to refuse.

The LACDA will require documentation of good cause for unit refusals, the family must provide the necessary documentation to prove 'good cause' by the LADCA's established due date.

### **Unit Refusal without Good Cause**

#### **LACDA Policy**

When an applicant rejects the final unit offer without good cause, the LACDA will remove the applicant's name from the wait lists selected and send written notice to the family of such removal. The notice will inform the family of their right to request an informal hearing and the process for doing so (see Chapter 14).

The applicant may reapply for assistance if the waiting list is open. If the waiting list(s) is/are not open, the applicant must wait to reapply until the LACDA opens the waiting list.

### **5-II.E. ACCESSIBLE UNITS [24 CFR 8.27]**

LACDA is required to adopt suitable means to assure that information regarding the availability of accessible units reaches eligible individuals with disabilities and take reasonable nondiscriminatory steps to maximize the utilization of such units by eligible individuals whose disability requires the accessibility features of a particular unit.

When an accessible unit becomes vacant, before offering such units to a non-disabled applicant the LACDA will offer such units:

- First, to a current resident of another unit of the same development, or other public housing development under the LACDA's control, who has a disability that requires the special features of the vacant unit and is occupying a unit not having such features, or if no such occupant exists, then.
- Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

When offering an accessible unit to an applicant not having a disability requiring the accessibility features of the unit, the LACDA may require the applicant to agree (and may incorporate this agreement in the lease) to move to a non-accessible unit when available.

#### **LACDA Policy**

The LACDA has units designed for persons with mobility, sight, and hearing impairments, referred to as accessible units.

No non-mobility impaired families will be offered these units until all eligible mobility-impaired applicants have been considered.

Before offering a vacant accessible unit to a non-disabled applicant, the LACDA will offer such units:

First, to a current occupant of another unit of the same development, or other public housing developments under the LACDA's control, who has a disability that requires the special features of the vacant unit.

Second, to an eligible qualified applicant on a specific waiting list having a disability that requires the special features of the vacant unit.

### **Public Housing Lease Agreement Addendum Requirement**

When offering an accessible/adaptable unit to a non-disabled applicant, the LACDA will require the applicant to sign the "Addendum to Public Housing Lease Agreement" that certifies that the applicant will relocate after receiving a thirty (30) day written notice to the first available vacant unit of appropriate size, at the same or comparable housing development site, should the modified unit be required for an eligible disabled family. Residents must return the keys to their old unit within five (5) calendar days of the date the transfer offer was made. If the transfer is to another housing development, and the resident does not return the keys to their old unit, the sending development, in addition to billing the resident, will also notify the receiving development of the resident's outstanding balance. Failure to pay outstanding charges within thirty (30) calendar days from the date of invoice to the LACDA is a material breach of the Lease Agreement and the resident will be subject to termination of their tenancy.

### **5-II.F. DESIGNATED HOUSING**

LACDA's policies for offering units designated for elderly families only or for disabled families only are described in the LACDA's Agency Plan. Refer to Chapter 4 regarding HUD's approved designation of the seven (7) Elderly-Only Housing Developments.

## Chapter 6

### INCOME AND RENT DETERMINATIONS

[24 CFR Part 5, Subparts E and F; 24 CFR 960, Subpart C]

#### INTRODUCTION

A family's annual income is used to determine their income eligibility for the public housing program and is also used to calculate the amount of the family's rent payment. The LACDA will use the policies and methods described in this chapter to ensure that only eligible families receive assistance and that no family pays more or less than its obligation under the regulations. This chapter describes HUD regulations and LACDA policies related to these topics in three parts as follows:

Part I: Annual Income. HUD regulations specify the sources of income which are excluded from the family's annual income. These requirements and LACDA policies for calculating annual income are found in Part I.

Part II: Assets. HUD regulations specify the types of assets which are excluded from a family's annual income. These requirements and LACDA policies for calculating income from assets are found in Part II.

Part III: Adjusted Income. Once annual income has been established, HUD regulations require the LACDA to subtract from annual income any of five mandatory deductions for which a family qualifies and allow the PHA to adopt additional permissive deductions. These requirements and LACDA policies for calculating adjusted income are found in Part III.

Part IV: Calculating Rent. This part describes the statutory formula for calculating total tenant payment (TTP), the use of utility allowances, and the methodology for determining family rent payment. Also included here are flat rents and the family's choice of rent.



## **PART I: ANNUAL INCOME**

### **6-I.A. OVERVIEW [24 CFR 5.609]**

Annual income includes:

- All amounts, not specifically excluded in 24 CFR 5.609(b);
- All amounts received from all sources by each member of the family who is 18 years of age or older or is the head of household or spouse;
- Unearned income by or on behalf of each dependent who is under 18 years of age; and
- Imputed returns of an asset based on the current passbook savings rate, as determined by HUD, when the value of net family assets exceeds \$50,000 (which amount HUD will adjust annually) and the actual returns from a given asset cannot be calculated.

In addition to this general definition, the regulations at 24 CFR 5.609(b) provide a comprehensive listing of all sources of income that are excluded from annual income. Note, unlike in previous version of the regulations, the current regulations governing annual income do not list sources of income that are to be included. Instead, HUD relies on the definition of excluded income under 24 CFR 5.609(b) to provide the scope of what is included. To that end, generally, all income is included unless it is specifically excluded by regulation.

Annual income includes “all amounts received,” not the amount that a family may be legally entitled to receive but did not receive. For example, a family’s child support or alimony income must be based on payments received, not the amounts to which the family is entitled by court or agency orders [Notice PIH 2023-27]. The family must provide proof of the actual amounts received if different from a court order. The LACDA will verify tenant provided information to determine actual income received.

Annual income also includes all actual anticipated income from assets (provided the income is not otherwise excluded) even if the asset itself is excluded from net family assets [Notice PIH 2023-27]. 24 CFR 5.603(b)(1) describes HUD regulations for treating specific types of assets.

The full texts of those portions of the regulations are provided in exhibits at the end of this chapter as follows:

- Annual Income Full Definition (Exhibit 6-1)
- Treatment of Family Assets (Exhibit 6-2)
- The Effect of Welfare Benefit Reduction (Exhibit 6-3)

Sections 6-I.B and 6-I.C discuss general requirements and methods for calculating annual income. The rest of this section describes how each source of income is treated for the purposes of determining annual income. Verification requirements for annual income are discussed in Chapter 7.

**6-I.B. HOUSEHOLD COMPOSITION AND INCOME****Overview**

Income received by all family members must be counted unless specifically excluded by the regulations. It is the responsibility of the head of household to report changes in family composition in accordance with HUD regulations and LACDA policies in Chapter 9. The rules on which sources of income are counted vary somewhat by family member. The chart below summarizes how family composition affects income determinations.

<b>Summary of Income Included and Excluded by Person</b>	
Live-in aides	Income from all sources (both earned and unearned) is <b>excluded</b> [24 CFR 5.609(b)(8)].
Foster child or foster adult	Income from all sources (both earned and unearned) is <b>excluded</b> [24 CFR 5.609(b)(8)].
Head, spouse, or cohead Other adult family members	All sources of income <u>not specifically excluded</u> by the regulations are <b>included</b> [24 CFR 5.609(a)].
Minors	Earned income of children under 18 years of age is <b>excluded</b> [24 CFR 5.609(b)(3)].  All other sources of unearned income, except those specifically excluded by the regulations, are included.
Full-time students 18 years of age or older (not head, spouse, or cohead)	Earned income in excess of the dependent deduction is <b>excluded</b> [24 CFR 5.609(b)(14)].  All other sources of unearned income, except those specifically excluded by the regulations, are included.

## **Temporarily Absent Family Members**

The current regulations governing annual income do not specifically address temporarily absent family members. The regulations also do not define “temporarily” or “permanently” absent or specify a timeframe associated with a temporary versus a permanent absence.

### LACDA Policy

Unless specifically excluded by the regulations, the income of all family members approved to live in the unit will be counted, even if the family member is temporarily absent from the unit.

Any member of the household will be considered permanently absent and removed from the lease if s/he is away from the unit for 90 days in a 12-month.

### ***Absent Students***

### LACDA Policy

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to the LACDA indicating that the student has established a separate household, or the family declares that the student has established a separate household. The LACDA will require proof of the absent student’s school enrollment/continued education records.

### ***Absences Due to Placement in Foster Care***

Children temporarily absent from the home as a result of placement in foster care (as confirmed by the state child welfare agency) are considered members of the family [24 CFR 5.403].

### LACDA Policy

If a child has been placed in foster care, the LACDA will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will continue to be counted as a family member.

If the time period is to be greater than 180 days from the date of removal of the child(ren), the family will be required to move to a smaller size unit. If all children are removed from the home permanently, the unit size will be reduced in accordance with the LACDA’s occupancy guidelines.

### ***Absence of Any Member***

Any member of the household will be considered permanently absent and removed from the lease if s/he is away from the unit for 90 days in a 12-month period except as otherwise provided in this chapter.

The LACDA, at its discretion, may initiate a transfer of the remaining household members to an appropriately sized unit in accordance with the Occupancy standards (see Chapter 5).

***Family Members Confined for Medical Reasons***

If a family member is confined to a nursing home or hospital on a permanent basis, LACDA will verify to determine that that person is no longer a member of the assisted household, and the income of that person is not counted [New PH OCC GB, *Income Determinations*, p. 12].

LACDA Policy

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the LACDA will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 120 consecutive days, the family member will not be considered permanently absent, as long as rent and other charges remains current. A resident may request a reasonable accommodation to have a longer absence approved. The LACDA has full discretion of approval and will make determinations on a case-by-case basis.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the LACDA's "Absence of Entire Family" policy.

***Absence Due to Incarceration***

If the sole member is incarcerated for more than 90 consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for 90 consecutive days. The rent and other charges must remain current during this period.

**Joint Custody of Children**

LACDA Policy

In a joint custody arrangement, if the minor is in the household less than 90 days per year, the minor will be considered to be an eligible guest and not a family member. When more than one applicant or assisted family (*regardless of program*) are claiming the same dependents as family members, the family **with primary custody** at the time of the application, annual examination, or interim reexamination will be able to claim the dependents.

If there is a dispute about which family should claim them, the LACDA will make the determination based on available documents such as court orders, an IRS income tax return showing which family has claimed the child for income tax purposes, including school records/enrollment, etc.

**Verification of Permanent Absence of Adult Member**

If an adult member who was formerly a member of the household is reported permanently absent by the family, the LACDA will consider any of the following as verification:

- Husband or wife institutes divorce action.
- Husband or wife institutes legal separation.

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- Order of protection/restraining order obtained by one family member against another.
- Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement, if available.
- Statements from other agencies such as social services that the adult family member is no longer living at that location.
- If the adult family member is incarcerated, a document from the Court or prison should be obtained stating how long they will be incarcerated.
- If the adult family member is permanently confined to a nursing home, verification is required from the nursing home.

**Remaining Minor Member of Resident Family-Retention of Unit**

LACDA Policy

If neither parent remains in the household, nor the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the LACDA will treat that adult as a visitor for the first 90 calendar days. This will be noted as an exception to the LACDA's Visitor Policy.

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, and the caretaker qualifies under Tenant Suitability criteria, the lease will be transferred to the caretaker.

If the court has not awarded custody or legal guardianship, but the action is in process, the LACDA will secure verification from social services staff or the attorney as to the status.

The LACDA will transfer the lease to the caretaker, in the absence of a court order, if the caretaker qualifies under the Tenant Suitability criteria and has been in the unit for more than 90 days and it is reasonable to expect that custody will be granted.

When the LACDA approves a person to reside in the unit as caretaker for the child(ren), the income of the caretaker should be counted pending a final disposition. The LACDA will work with the appropriate service agencies to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than 90 days, the person will be considered permanently absent.

If an adult child goes into the military and leaves the household, they will be considered permanently absent.

Full time students who attend school away from the home and live with the family during school recess will be considered temporarily absent from the household.

A minor, who was part of the household, can also qualify as a "remaining member of the resident family". A minor will be authorized to remain in the unit by establishing emancipation or by adding another adult, who has been determined eligible and suitable by the LACDA, to the Lease. The added adult will become the new head of household. When such situations arise, the LACDA will work with the minor's advocate, which may be another adult relative or DCFS caseworker, to determine the appropriate course of action and time necessary for the minor to meet one of the two criteria to remain in the unit.

## 6-I.C. CALCULATING ANNUAL INCOME

The methodology used for calculating income differs depending on whether income is being calculated at initial occupancy, interim reexamination, or at annual reexamination. However, income from assets is always anticipated regardless of certification type.

### **Anticipating Annual Income [24 CFR 5.609(c)(1)]**

At initial occupancy and for an interim reexamination of family income, the LACDA is required to use anticipated income (current income) for the upcoming 12-month period following the new admission or interim reexamination effective date. Policies related to verifying income are found in Chapter 7.

#### LACDA Policy

The accurate calculation of Annual Income and Adjusted Income ensures that families are not paying more or less money for rent than their obligation under the regulations.

When the LACDA cannot readily anticipate income based upon current circumstances (e.g., in the case of temporary, sporadic, or variable employment, seasonal employment, unstable working hours, or suspected fraud), the LACDA will review and analyze historical data for patterns of employment, paid benefits, tips, bonuses, commissions, etc., and receipt of other income (i.e., gig income) and use the results of this analysis to establish annual income.

Any time current circumstances are not used to project annual income, a clear rationale for the decision will be documented in the file. In all such cases the family may present information and documentation to the LACDA to show why the historic pattern does not represent the family's anticipated income.

In all cases, the family file will be documented with a clear record of the reason for the decision, and a clear audit trail will be left as to how the LACDA annualized projected income.

#### ***Known Changes in Income***

If the LACDA verifies an upcoming increase or decrease in income, annual income will be projected by applying each income amount to the appropriate part of the 12-month period.

**Example:** An employer reports that a full-time employee who has been receiving \$8/hour will begin to receive \$8.25/hour in the eighth week after the effective date of the new admission or interim reexamination. In such a case the PHA would calculate annual income as follows:  $(\$8/\text{hour} \times 40 \text{ hours} \times 7 \text{ weeks}) + (\$8.25 \times 40 \text{ hours} \times 45 \text{ weeks})$ .

## **6-I.D. EARNED INCOME**

### ***Wages and Related Compensation [24 CFR 5.609(a); Notice PIH 2023-27]***

The earned income of each member of the family who is 18 years of age or older, or who is the head of household or spouse/cohead regardless of age, is included in annual income. Income received as a day laborer or seasonal worker is also included in annual income, even if the source, date, or amount of the income varies [24 CFR 5.609 (b)(24)].

*Earned income* means income or earnings from wages, tips, salaries, other employee compensation, and net income from self-employment. Earned income does not include any pension or annuity, transfer payments (meaning payments made or income received in which no goods or services are being paid for, such as welfare, social security, and governmental subsidies for certain benefits), or any cash or in-kind benefits [24 CFR 5.100].

A *day laborer* is defined as an individual hired and paid one day at a time without an agreement that the individual will be hired or work again in the future [24 CFR 5.603(b)].

A *seasonal worker* is defined as an individual who is hired into a short-term position (e.g., for which the customary employment period for the position is six months or fewer) and the employment begins about the same time each year (such as summer or winter). Typically, the individual is hired to address seasonal demands that arise for the particular employer or industry [24 CFR 5.603(b)]. Some examples of seasonal work include employment limited to holidays or agricultural seasons. Seasonal work may include but is not limited to employment as a lifeguard, ballpark vendor, or snowplow driver [Notice PIH 2023-27].

### **LACDA Policy**

The accurate calculation of Annual Income and Adjusted Income ensures that families are not paying more or less money for rent than their obligation under the regulations.

This chapter defines the allowable deductions from gross Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subpart F and further instructions set forth in HUD Notices, Memoranda and Addenda. However, the QHWRRA gives Public Housing Programs broader flexibility to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

### ***Military Pay***

All regular pay, special pay and allowances of a member of the Armed Forces are counted except for the special pay to a family member serving in the Armed Forces who is exposed to hostile fire [24 CFR 5.609(b)(11)].

### ***Earnings of a Minor [24 CFR 5.609(b)(3)]***

A minor is a member of the family, other than the head of household or spouse, who is under 18 years of age. Employment income earned by minors is not included in annual income. All other sources of unearned income, except those specifically excluded by the regulations, are included.

***Earned Income of Full-Time Students [24 CFR 5.609(b)(14)]***

The earned income of a dependent full-time student in excess of the amount of the dependent deduction is excluded from annual income. All sources of unearned income, except those specifically excluded by the regulations, are included.

A family member other than the head of household or spouse/cohead is considered a full-time student if they are attending school or vocational training on a full-time basis [24 CFR 5.603(b)]. Full-time status is defined by the educational or vocational institution the student is attending [New PH OCC GB, *Lease Requirements*, p. 5].

**6-I.E. EARNED INCOME DISALLOWANCE [24 CFR 960.255; Streamlining Final Rule (SFR) Federal Register 3/8/16; Notice PIH 2023-27]**

Housing Opportunity Through Modernization Act of 2016 (HOTMA) removed the statutory authority for the EID. The EID is available only to families that are eligible for and participating on the program as of December 31, 2023, or before; no new families may be added on or after January 1, 2024. If a family is receiving the EID prior to or on the effective date of December 31, 2023, they are entitled to the full amount of the benefit for a full **24-month period**. The policies below are applicable only to such families. No family will still be receiving the EID after December 31, 2025. The EID will sunset on January 1, 2026, and the LACDA policies below will no longer be applicable as of that date or when the last qualifying family exhausts their exclusion period, whichever is sooner. EID is not available to ineligible Non-Citizens.

**Calculation of the Disallowance**

Calculation of the earned income disallowance for an eligible member of a qualified family begins with a comparison of the member's current income with their "baseline income." The family member's baseline income is their income immediately prior to qualifying for the EID. The family member's baseline income remains constant throughout the period that they are participating in the EID.

The household must meet one of the following three categories listed below to qualify for EID:

1. Employment by a family member who was previously unemployed for one or more years prior to employment.

The HUD definition of "previously unemployed" includes a person who has earned in the previous 12 months no more than the equivalent earnings for working 10 hours per week for 50 weeks at the minimum wage. Minimum wage is the prevailing minimum wage in the State or locality.

2. An increase in income by a family member whose earnings increased during participation in an economic self-sufficiency or other job-training program.

An economic self-sufficiency program is any program designed to encourage, assist, train or facilitate economic independence of assisted families or to provide work for such families. Such programs may include job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or

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household management, apprenticeship, or any other program necessary to ready a participant to work (such as substance abuse or mental health treatment).

Amounts to be excluded are any earned income increases of a family member during the self-sufficiency or job training program and not increases that occur after participation, unless the training provides assistance, training or mentoring after employment. The amount of TANF received in the six-month period includes monthly income and such benefits and services as one-time payments, wage subsidies and transportation assistance.

3. New employment or increased earning by a family member who has received TANF benefits or services within the past 6 months.
  - If TANF is received in the form of monetary maintenance, there is no minimum amount that must be received to be considered a participant in TANF.
  - If TANF is received in the form of one-time payments, wage subsidies and transportation assistance that add up to at least \$500 over a 6-month period.

### **Calculation Method**

#### ***Initial 12-Month Exclusion***

During the initial exclusion period of 12 consecutive months, the full amount (100 percent) of any increase in income attributable to new employment or increased earnings is excluded (including full-time students).

##### LACDA Policy

The initial EID exclusion period will begin on the first of the month following the date an eligible member of a qualified family is first employed or first experiences an increase in earnings.

#### ***Second 12-Month Exclusion***

During the second exclusion period of 12 consecutive months, the LACDA must exclude at least 50 percent of any increase in income attributable to employment or increased earnings.

##### LACDA Policy

During the second 12-month exclusion period, the LACDA will exclude 50 percent of any increase in income attributable to new employment or increased earnings.

### **Tracking the Earned Income Exclusion**

The earned income exclusion will be reported on the HUD 50058 form. Documentation will be maintained using a tracking system to ensure the correct application of the earned income and to document the reason for the reduced increase in rent.

The LACDA will maintain a tracking system in its software to ensure correct application of the full and phase-in exclusion periods for the earned income disallowance for the qualifying member (including full-time students).

***Lifetime Limitation***

The EID has a two-year (24-month) lifetime maximum. The two-year eligibility period begins at the same time that the initial exclusion period begins and ends 24 months later. During the 24-month period, an individual remains eligible for EID even if they begin to receive assistance from a different housing agency, move between public housing and Section 8 assistance, or have breaks in assistance. The EID will sunset on January 1, 2026. In no circumstances will a family member's exclusion period continue past January 1, 2026.

**Individual Savings Accounts (ISA)[24 CFR 960.255(d)]**

The LACDA may, but is not required to, establish a policy to offer a qualified family paying income-based rent an ISA instead of being given the EID.

LACDA Policy

The LACDA chooses not to establish a system of individual savings accounts (ISAs) for families who qualify for the EID.

**6-I.F. BUSINESS AND SELF-EMPLOYMENT INCOME [24 CFR 5.609(b)(28); Notice PIH 2023-27]**

Annual income includes “net income from the operation of a business or profession. *Net income* is gross income minus business expenses that allows the business to operate. *Gross income* is all income amounts received into the business, prior to the deduction of business expenses.

Expenditures for business expansion or amortization of capital indebtedness may not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.” Any annual/interim, reexamination, new admission, or unit transfer with an effective date of January 1, 2025, or thereafter, rule will be applied accordingly.

LACDA Policy

To determine business expenses that may be deducted from gross income, the LACDA will use current applicable Internal Revenue Service (IRS) rules for determining allowable business expenses [see IRS Publication 535], unless a topic is addressed by HUD regulations or guidance as described herein.

**Independent Contractors**

Income received as an independent contractor is included in annual income, even if the source, date, or amount of the income varies [24 CFR 2.609 (b)(24)].

An *independent contractor* is defined as an individual who qualifies as an independent contractor instead of an employee in accordance with the Internal Revenue Code Federal income tax requirements and whose earnings are consequently subject to the Self-Employment Tax. In general, an individual is an independent contractor if the payer has the right to control or direct only the result of the work and not what will be done and how it will be done [24 CFR 5.603(b)].

**Business Expansion**

HUD regulations do not permit the LACDA to deduct from gross income expenses for business expansion.

LACDA Policy

*Business expansion* is defined as any capital expenditures made to add new business activities, to expand current facilities, or to operate the business in additional locations. For example, purchase of a street sweeper by a construction business for the purpose of adding street cleaning to the services offered by the business would be considered a business expansion. Similarly, the purchase of a property by a hair care business to open at a second location would be considered a business expansion.

### **Capital Indebtedness**

HUD regulations do not permit the LACDA to deduct from gross income the amortization of capital indebtedness.

#### LACDA Policy

*Capital indebtedness* is defined as the principal portion of the payment on a capital asset such as land, buildings, and machinery. This means the LACDA will allow as a business expense interest, but not principal, paid on capital indebtedness.

### **Negative Business Income**

If the net income from a business is negative, no business income will be included in annual income; a negative amount will not be used to offset other family income. LACDA will require proof of negative amount.

### **Withdrawal of Cash or Assets from a Business**

HUD regulations require the LACDA to include in annual income the withdrawal of cash or assets from the operation of a business or profession unless the withdrawal reimburses a family member for cash or assets invested in the business by the family.

#### LACDA Policy

Acceptable investments in a business include cash loans and contributions of assets or equipment. For example, if a member of an assisted family provided an up-front loan of \$2,000 to help a business get started, the LACDA will not count as income any withdrawals from the business up to the amount of this loan until the loan has been repaid. Investments do not include the value of labor contributed to the business without compensation.

### **Co-owned Businesses**

#### LACDA Policy

If a business is co-owned with someone outside the family, the family must document the share of the business it owns. If the family's share of the income is lower than its share of ownership, the family must document the reasons for the difference.

### **Assets Owned by a Business Entity**

If a business entity (e.g., limited liability company or limited partnership) owns the asset, then the family's asset is their ownership stake in the business, not some portion of the business's assets. However, if the family holds the assets in their own name (e.g., they own one-third of a restaurant) rather than in the name of a business entity, then the percentage value of the asset owned by the family is what is counted toward net family assets (e.g., one-third of the value of the restaurant) [Notice PIH 2023-27] Any annual/interim, reexamination, new admission, or unit transfer with an effective date of January 1, 2025, or thereafter, rule will be applied accordingly.

## **6-I.G. STUDENT FINANCIAL ASSISTANCE [24 CFR 5.609(b)(9)]**

The regulations distinguish between two categories of student financial assistance paid to both full-time and part-time students.

### **Types of Assistance**

Any assistance to students under section 479B of the Higher Education Act of 1965 (Title IV of the HEA) must be excluded from the family's annual income [24 CFR 5.609(b)(9)(i)].

Examples of assistance under title IV of the HEA include:

- Federal Pell Grants;
- Teach Grants;
- Federal Work Study Programs;
- Federal Perkins Loans;
- Income earned in employment and training programs under section 134 of the Workforce Innovation and Opportunity Act (WIOA); or
- Bureau of Indian Affairs/Education student assistance programs
  - The Higher Education Tribal Grant
  - The Tribally Controlled Colleges or Universities Grant Program

Any other grant-in-aid, scholarship, or other assistance amounts an individual receives for the actual covered costs charged by the institution of higher education not otherwise excluded by the Federally mandated income exclusions are excluded [24 CFR 5.609(b)(9)(ii)]. *Actual covered costs* are defined as the actual costs of:

- Tuition, books, and supplies;
  - Including supplies and equipment to support students with learning disabilities or other disabilities
- Room and board; and
- Other fees required and charged to a student by the education institution.

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For a student who is not the head of household or spouse/cohead, actual covered costs also include the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit.

Further, to qualify, other student financial assistance must be expressly:

- For tuition, book, supplies, room and board, or other fees required and charged to the student by the education institution;
- To assist a student with the costs of higher education; or
- To assist a student who is not the head of household or spouse with the reasonable and actual costs of housing while attending the educational institution and not residing in an assisted unit.

The student financial assistance may be paid directly to the student or to the educational institution on the student's behalf. However, any student financial assistance paid to the student must be verified by the LACDA.

The financial assistance must be a grant or scholarship received from:

- The Federal government;
- A state, tribal, or local government;
- A private foundation registered as a nonprofit;
- A business entity (such as corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, or nonprofit entity); or
- An institution of higher education.

Student financial assistance, does not include:

- Financial support provided to the student in the form of a fee for services performed (e.g., a work study or teaching fellowship that is not excluded under section 479B of the Higher Education Act HEA);
- Gifts, including gifts from family or friends; or
- Any amount of the scholarship or grant that, either by itself or in combination with assistance excluded under the HEA, exceeds the actual covered costs of the student.

### **Calculating Income from Student Financial Assistance [HOTMA Student Financial Assistance Resource Sheet; Notice PIH 2023-27]**

The formula for calculating the amount of other student financial assistance that is excluded from income always begins with deducting the assistance received under 479B of the Higher Education Act (HEA) from the total actual covered costs, because the 479B assistance is intended to pay the student's actual covered costs. When a student receives assistance from both Title IV of the HEA and from other sources, the assistance received under Title IV of the HEA must be applied to the student's actual covered costs first and then other student financial assistance is applied to any remaining actual covered costs. Once actual costs are covered, any remaining student financial assistance is considered income. Any annual/interim, reexamination,

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new admission, or unit transfer with an effective date of January 1, 2025, or thereafter, rule will be applied accordingly.

LACDA Policy

If a student only receives financial assistance under Title IV of the HEA and does not receive any other student financial assistance, the LACDA will exclude the full amount of the assistance received under Title IV from the family's annual income. The LACDA will not calculate actual covered costs in this case.

If the student does not receive any assistance under Title IV of the HEA but does receive assistance from another source, the LACDA will first calculate the actual covered costs to the student in accordance with 24 CFR 5.609(b)(ii). The LACDA will then subtract the total amount of the student's financial assistance from the student's actual covered costs. The LACDA will include any amount of financial assistance in excess of the student's actual covered costs in the family's annual income.

**Example 1**

- Actual covered costs: \$20,000
- Other student financial assistance: \$25,000
- Excluded income: \$20,000 (\$25,000 in financial assistance - \$20,000 in actual covered costs)
- Included income: \$5,000

When a student receives assistance from both Title IV of the HEA and from other sources, the LACDA will first calculate the actual covered costs to the student in accordance with 24 CFR 5.609(b)(ii). The assistance received under Title IV of the HEA will be applied to the student's actual covered costs first and then the other student financial assistance will be applied to any remaining actual covered costs.

If the amount of assistance excluded under Title IV of the HEA equals or exceeds the actual covered costs, none of the assistance included under other student financial assistance" would be excluded from income.

**Example 2**

- Actual covered costs: \$25,000
- Title IV HEA assistance: \$26,000
- Title IV HEA assistance covers the students entire actual covered costs.
- Other Student Financial Assistance: \$5,000
- Excluded income: The entire Title IV HEA assistance of \$26,000
- Included income: All other financial assistance of \$5,000

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If the amount of assistance excluded under Title IV of the HEA is less than the actual covered costs, the PHA will exclude the amount of other student financial assistance up to the amount of the remaining actual covered costs.

### **Example 3**

- Actual covered costs: \$22,000
- Title IV HEA assistance: \$15,000
- The remaining amount not covered by Title IV HEA assistance is \$7,000 (\$22,000 in actual covered costs - \$15,000 in Title IV HEA assistance).
- Other Student Financial Assistance: \$5,000
- \$7,000 in remaining actual covered costs - \$5,000 in other financial assistance
- Excluded income: \$15,000 entire amount of the Title IV HEA Assistance + \$5,000 in other financial assistance
- Included income: \$0

### **Example 4**

- Actual covered costs: \$18,000
- Title IV HEA Assistance: \$15,000
- The remaining amount not covered by Title IV HEA assistance is \$3,000 (\$18,000 in actual covered costs - \$15,000 in Title IV HEA Assistance)
- Other student Financial Assistance: \$5,000
- When other student financial assistance is applied, financial assistance exceeds actual covered costs by \$2,000 (\$3,000 in actual covered costs - \$5,000 in other financial assistance).
- Included income: \$2,000 (the amount by which the financial aid exceeds the student's actual covered costs).

## **6-I.H. PERIODIC PAYMENTS [Notice PIH 2023-27]**

Periodic payments are forms of income received on a regular basis. HUD regulations specify periodic payments that are not included in annual income. Regulations do not specify which types of periodic payments are included in annual income.

Income that has a discrete end date and will not be repeated beyond the coming year is excluded from a family's annual income because it is nonrecurring income. However, this does not include unemployment income and other types of periodic payments that are received at regular intervals (such as weekly, monthly, or yearly) for a period of greater than one year that can be extended. For example, a family receives income from a guaranteed income program in their city that has a discrete beginning and end date. While the guaranteed income will be repeated in the coming year, it will end before the family's next annual reexamination. This income is fully excluded from annual income.

Insurance payments and settlements for personal or property losses, including but not limited to payments under health insurance, motor vehicle insurance, and workers' compensation, are excluded from annual income. However, periodic payments paid at regular intervals (such as weekly, monthly, or yearly) for a period of greater than one year that are received in lieu of wages for workers' compensation are included in annual income. Payments received in lieu of wages for worker's compensation are excluded, even if paid in periodic payments, if the income will last for a period of less than one year.

Any annual/interim, reexamination, new admission, or unit transfer with an effective date of January 1, 2025, or thereafter, rule will be applied accordingly.

### **Lump-Sum Payments for the Delayed Start of a Periodic Payment [24 CFR 5.609(b)(16)]**

Deferred periodic amounts from Supplemental Security Income (SSI) and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs (VA) disability benefits that are received in a lump sum amount or in prospective monthly amounts are excluded from annual income.

#### LACDA Policy

The LACDA will include in annual income lump sums received as a result of delays in processing periodic payments (other than those specifically excluded by the regulation), such as unemployment or welfare assistance.

If the delayed-start payment is received outside of the time the LACDA is processing an annual reexamination, then the LACDA will consider whether the amount meets the threshold to conduct an interim reexamination. If so, the LACDA will conduct an interim in accordance with LACDA policies in Chapter 9. If not, the LACDA will consider the amount when processing the family's next annual recertification.

**Retirement Accounts [24 CFR 5.609(b)(26); Notice PIH 2023-27]**

Income received from any account under a retirement plan recognized as such by the IRS, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals is not considered actual income from assets.

However, any distribution of periodic payments from such accounts is included in annual income at the time they are received by the family.

An asset moved to a retirement account held by a member of the family is not considered to be an asset disposed of for less than fair market value.

**Social Security Benefits [Notice PIH 2023-27]**

The LACDA is required to use the gross benefit amount to calculate annual income from Social Security benefits.

Annually in October, the Social Security Administration (SSA) announces the cost-of-living adjustment (COLA) by which federal Social Security and SSI benefits are adjusted to reflect the increase, if any, in the cost of living. The federal COLA does not apply to state-paid disability benefits. Effective the day after the SSA has announced the COLA, the LACDA will factor in the COLA increase when determining Social Security and SSI annual income for all annual reexaminations and interim reexaminations of family income that have not yet been completed and will be effective January 1 or later of the upcoming year [Notice PIH 2023-27].

**LACDA Policy**

Annual income includes “all amounts received,” not the amount that a family may be legally entitled to receive but which they do not receive. When the SSA overpays an individual, resulting in a withholding or deduction from their benefit amount until the overpayment is paid in full, the LACDA will use the reduced benefit amount after deducting only the amount of the overpayment withholding from the gross benefit amount. The LACDA will require proof of overpayment. Further, if a family’s social security income is garnished for any reason (i.e., child support), the LACDA will use the gross amount in order to calculate the family’s income.

**Alimony and Child Support**

Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment.

LACDA Policy

The LACDA will count all regular payments of alimony or child support awarded as part of a divorce or separation agreement.

The LACDA will count court-awarded amounts for alimony and child support unless the family certifies and the LACDA verifies that the payments are not being made.

In order to verify that payments are not being made, the LACDA will review child support payments over the last 12 months.

If payments are being made regularly, the LACDA will use the amount received during the last 12 months (If payments have been made for a period less than 12 months, the LACDA will average all payments that have been made.

## **6-I.I. NONRECURRING INCOME [24 CFR 5.609(b)(24) and Notice PIH 2023-27]**

Nonrecurring income, which is income that will not be repeated beyond the coming year (e.g., 12 months following the effective date of the certification) based on information provided by the family, is excluded from annual income. The LACDA may accept a self-certification from the family stating that the income will not be repeated in the coming year. See Chapter 7 for LACDA policies related to verification of nonrecurring income.

**Income received as an independent contractor, day laborer, or seasonal worker is not excluded from income as nonrecurring income, even if the source, date, or amount of the income varies.**

Income that has a discrete end date and will not be repeated beyond the coming year during the family's upcoming annual reexamination period will be excluded from a family's annual income as nonrecurring income. This exclusion does not include unemployment income and other types of periodic payments that are received at regular intervals (such as weekly, monthly, or yearly) for a period of greater than one year that can be extended.

Income amounts excluded under this category may include, but are not limited to:

- Nonrecurring payments made to the family or to a third party on behalf of the family to assist with utilities;
- Payments for eviction prevention;
- Security deposits to secure housing;
- Payments for participation in research studies (depending on the duration); and
- General one-time payments received by or on behalf of the family.

Nonrecurring income that is excluded under the regulations includes:

- Payments from the U.S. Census Bureau for employment (relating to decennial census or the American Community Survey) lasting no longer than 180 days and not culminating in permanent employment [24 CFR 5.609(b)(24)(i)].
- Direct federal or state payments intended for economic stimulus or recovery [24 CFR 5.609(b)(24)(ii)].
- Amounts directly received by the family as a result of state refundable tax credits or state or federal tax refunds at the time they are received [24 CFR 5.609(b)(24)(iii) and (iv)].
- Gifts for holidays, birthdays, or other significant life events or milestones (e.g., wedding gifts, baby showers, anniversaries) [24 CFR 5.609(b)(24)(v)].
- Non-monetary, in-kind donations, such as food, clothing, or toiletries, received from a food bank or similar organization [24 CFR 5.609(b)(24)(vi)]. When calculating annual income, PHAs are prohibited from assigning monetary value to non-monetary in-kind donations received by the family [Notice PIH 2023-27]. Non-recurring, non-monetary in-kind donations from friends and family are excluded as non-recurring income.
- Lump-sum additions to net family assets, including but not limited to lottery or other contest winnings [24 CFR 5.609(b)(24)(vii)].

## **6-I.J. WELFARE ASSISTANCE**

### **Overview**

Welfare assistance is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on need that are made under programs funded separately or jointly by Federal, State, or local governments.

### **Sanctions Resulting in the Reduction of Welfare Benefits [24 CFR 5.615]**

The LACDA will **not** reduce the public housing rent for families whose welfare assistance is reduced specifically because of:

- Fraud; or

- Failure to participate in an economic self-sufficiency program; or

- Noncompliance with a work activities requirement.

However, the LACDA will reduce the rent if the welfare assistance reduction is a result of:

- The expiration of a lifetime time limit on receiving benefits; or

- A situation where the family has complied with welfare program requirements but cannot or has not obtained employment, such as:

  - The family has complied with welfare program requirements, but the durational time limit, such as a cap on the length of time a family can receive benefits, causes the family to lose their welfare benefits; or

  - If the family was sanctioned prior to new admissions.

### ***Covered Families***

The families covered by 24 CFR 5.615 are those “who receive welfare assistance or other public assistance benefits (‘welfare benefits’) from a State or other public agency (‘welfare agency’) under a program for which Federal, State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance” [24 CFR 5.615(b)]

### ***Imputed Income***

When a welfare agency imposes a sanction that reduces a family’s welfare income because the family commits fraud or fails to comply with the agency’s economic self-sufficiency program or work activities requirement, the LACDA will include in annual income “imputed” welfare income. The LACDA will request that the welfare agency provide the reason for the reduction of benefits and the amount of the reduction of benefits. The imputed welfare income is the amount that the benefits were reduced as a result of the sanction.

This requirement does not apply to reductions in welfare benefits: (1) at the expiration of the lifetime or other time limit on the payment of welfare benefits, (2) if a family member is unable to find employment even though the family member has complied with the welfare agency economic self-sufficiency or work activities requirements, or (3) because a family member has not complied with other welfare agency requirements, or the family member was sanction prior to new admission. [24 CFR 5.615(b)(2)].

***Offsets***

The amount of the imputed welfare income is offset by the amount of additional income the family begins to receive after the sanction is imposed. When the additional income equals or exceeds the imputed welfare income, the imputed income is reduced to zero [24 CFR 5.615(c)(4)].

**The imputed welfare will be recorded on the HUD Form 50058 (Family Report).**

**6-I.K. STATE PAYMENTS TO ALLOW INDIVIDUALS WITH DISABILITIES TO LIVE AT HOME [24 CFR 5.609(b)(19)]**

Payments made by or authorized by a state Medicaid agency (including through a managed care entity) or other State or Federal agency to an assisted family to enable a member of the assisted family who has a disability to reside in the family's assisted unit are excluded.

Authorized payments may include payments to a member of the assisted family through state Medicaid-managed care systems, other state agencies, federal agencies or other authorized entities.

The payments must be received for caregiving services a family member provides to enable another member of the *assisted family who has a disability to reside in the family's assisted unit*. *Payments to a family member for caregiving services for someone who is **not a member of the assisted family** (such as for a relative that resides elsewhere) will be included in the annual income.*

Furthermore, if the agency is making payments for caregiving services to the family member for an assisted family member and for a person outside of the assisted family, only the payments attributable to the caregiving services for the caregiver's assisted family member would be excluded from income.

**6-I.L. CIVIL RIGHTS SETTLEMENTS [24 CFR 5.609(b)(25); FR Notice 2/14/23]**

Regardless of how the settlement or judgment is structured, civil rights settlements or judgments, including settlements or judgments for back pay, are excluded from annual income. This may include amounts received because of litigation or other actions, such as conciliation agreements, voluntary compliance agreements, consent orders, other forms of settlement agreements, or administrative or judicial orders under the Fair Housing Act, Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act (Section 504), the Americans with Disabilities Act, or any other civil rights or fair housing statute or requirement.

While these civil rights settlement or judgment amounts are excluded from income, the settlement or judgment amounts will generally be counted toward the family's net family assets (e.g., if the funds are deposited into the family's savings account or a revocable trust under the control of the family or some other asset that is not excluded from the definition of *net family assets*). Income generated on the settlement or judgment amount after it has become a net family asset is not excluded from income. For example, if the family received a settlement or back pay and deposited the money in an interest-bearing savings account, the interest from that account would be income at the time the interest is received.

Furthermore, if a civil rights settlement or judgment increases the family's net family assets such that they exceed \$50,000 (as annually adjusted by an inflationary factor), then income will be imputed on the net family assets pursuant to 24 CFR 5.609(a)(2). If the imputed income, which HUD considers unearned income, increases the family's annual adjusted income by 10 percent or more, then an interim reexamination of income will be required unless the addition to the family's net family assets occurs within the last three months of the family's income certification period and the PHA or owner chooses not to conduct the examination.

**6-I.M. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME [24 CFR 5.609(b)]**

Other exclusions contained in 24 CFR 5.609(b) that have not been discussed earlier in this chapter include the following:

- Payments received for the care of foster children or foster adults or state or tribal kinship or guardianship care payments [24 CFR 5.609(b)(4)].
- Insurance payments and settlements for personal or property losses, including but not limited to payments through health insurance, motor vehicle insurance, and workers' compensation [24 CFR 5.609(b)(5)]. However, periodic payments paid at regular intervals (such as weekly, monthly, or yearly) for a period of greater than one year that are received in lieu of wages for workers' compensation are included in annual income [Notice PIH 2023-27].
- Amounts received by the family that are specifically for, or in reimbursement of, the cost of health and medical care expenses for any family member [24 CFR 5.609(b)(6)].
- Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a member of the family becoming disabled [24 CFR 5.609(b)(7)].
- Income and distributions from any Coverdell education savings account under Section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under Section 529 of such Code [24 CFR 5.609(b)(10)].
- Income earned by government contributions to, and distributions from, "baby bond" accounts created, authorized, or funded by federal, state, or local government [24 CFR 5.609(b)(10)].
- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire [24 CFR 5.609(b)(11)].
- Payments related to aid and attendance under 38 U.S.C. 1521 to veterans in need of regular aid and attendance [24 CFR 5.609(b)(17)]. This income exclusion applies only to veterans in need of regular aid and attendance and not to other beneficiaries of the payments, such as a surviving spouse [Notice PIH 2023-27].
- Loan proceeds (the net amount disbursed by a lender to or on behalf of a borrower, under the terms of a loan agreement) received by the family or a third party (e.g., proceeds received by the family from a private loan to enable attendance at an educational institution or to finance the purchase of a car) [24 CFR 5.609(b)(20)]. The loan borrower or co-borrower must be a member of the family for this income exclusion to be applicable [Notice PIH 2023-27].

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- Payments received by tribal members as a result of claims relating to the mismanagement of assets held in trust by the United States, to the extent such payments are also excluded from gross income under the Internal Revenue Code or other federal law [24 CFR 5.609(b)(21)]. Generally, payments received by tribal members in excess of the first \$2,000 of per capita shares are included in a family's annual income for purposes of determining eligibility. However, as explained in Notice PIH 2023-27, payments made under the Cobell Settlement, and certain per capita payments under the recent Tribal Trust Settlements, must be excluded from annual income in HUD programs that adopt the definitions of *annual income* in 24 CFR 5.609, the Census Long Form, and the IRS Form 1040, including the programs affected by Notice PIH 2023-27.
- Replacement housing "gap" payments made in accordance with 49 CFR Part 24 that offset increased out of pocket costs of displaced persons that move from one federally subsidized housing unit to another federally subsidized housing unit. Such replacement housing "gap" payments are not excluded from annual income if the increased cost of rent and utilities is subsequently reduced or eliminated, and the displaced person retains or continues to receive the replacement housing "gap" payments [24 CFR 5.609(b)(23)].
- Income earned on amounts placed in a family's Family Self-Sufficiency account [24 CFR 5.609(b)(27)].
- Amounts received by participants in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred e.g., special equipment, clothing, transportation, childcare, etc.) and which are made solely to allow participation in a specific program [24 CFR 5.609(c)(12)(ii)].
- Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS) [(24 CFR 5.609(b)(12)(i)].
- Amounts received under a resident service stipend not to exceed \$200 per month. A resident service stipend is a modest amount received by a resident for performing a service for the LACDA, on a part-time basis, that enhances the quality of life in the development [24 CFR 5.600(b)(12)(iii)].
- Guaranteed Basic Income Programs, such as the Los Angeles County's "BREATHE" program, a monthly supplemental income that provides household with financial stability. Guaranteed Basic Income Programs traditionally provide temporary, unconditional, individual, and regular cash payments intended to support the basic needs of the recipient.

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- Incremental earnings and benefits to any family member resulting from participation in qualifying training program funded by HUD or in qualifying Federal, State, Tribal, or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff are excluded from annual income. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the training program unless those amounts are excluded under 24 CFR 5.609(b)(9)(i) [24 CFR 5.609(b)(12)(iv)].

### LACDA Policy

The LACDA defines *training program* as “a learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period of time. It is designed to lead to a higher level of proficiency, and it enhances the individual’s ability to obtain employment. It may have performance standards to measure proficiency. Training may include but is not limited to: (1) classroom training in a specific occupational skill, (2) on-the-job training with wages subsidized by the program, or (3) basic education” [expired Notice PIH 98-2, p. 3].

The LACDA defines *incremental earnings and benefits* as the difference between (1) the total amount of welfare assistance and earnings of a family member prior to enrollment in a training program and (2) the total amount of welfare assistance and earnings of the family member after enrollment in the program [expired Notice PIH 98-2, pp. 3-4].

In calculating the incremental difference, the LACDA will use as the pre-enrollment income the total annualized amount of the family member’s welfare assistance and earnings reported on the family’s most recently completed HUD-50058.

End of participation in a training program must be reported in accordance with the LACDA’s interim reporting requirements (see Chapter 11).

- Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era [24 CFR 5.609(b)(13)].
- Adoption assistance payments for a child in excess of the amount of the dependent deduction per adopted child [24 CFR 5.609(b)(15)].
- Refunds or rebates on property taxes paid on the dwelling unit [24 CFR 5.609(b)(20)].

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- Amounts that HUD is required by federal statute to exclude from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(b) apply. HUD will publish a notice in the *Federal Register* to identify the benefits that qualify for this exclusion. Updates will be published when necessary [24 CFR 5.609(b)(22)].

HUD publishes an updated list of these exclusions periodically. The most recent list of exclusions was published in the *Federal Register* on May 20, 2014. It includes:

- (a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b))
- (b) Benefits under Section 1780 of the School Lunch Act and Child Nutrition Act of 1966, including WIC
- (c) Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)
- (d) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c))
- (e) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e)
- (f) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f))
- (g) Payments received under programs funded in whole or in part under the Workforce Investment Act of 1998 (29 U.S.C. 2931)
- (h) Deferred disability benefits from the Department of Veterans Affairs, whether received as a lump sum or in monthly prospective amounts
- (i) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04)
- (j) Payments, funds, or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f(b))
- (k) A lump sum or periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the United States District Court case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, for a period of one year from the time of receipt of that payment as provided in the Claims Resolution Act of 2010
- (l) The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U. S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408)
- (m) Benefits under the Indian Veterans Housing Opportunity Act of 2010 (only applies to Native American housing programs)
- (n) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))

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- (o) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in *In Re Agent Orange* product liability litigation, M.D.L. No. 381 (E.D.N.Y.)
- (p) Payments received under 38 U.S.C. 1833(c) to children of Vietnam veterans born with spinal bifida, children of women Vietnam veterans born with certain birth defects, and children of certain Korean service veterans born with spinal bifida
- (q) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721)
- (r) The value of any childcare provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q)
- (s) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j))
- (t) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433)
- (u) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965j, including awards under federal work-study programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu). For Section 8 programs, the exception found in § 237 of Public Law 109-249 applies and requires that the amount of financial assistance in excess of tuition and mandatory fees shall be considered income in accordance with the provisions codified at 24 CFR 5.609(b)(9), except for those persons with disabilities as defined by 42 U.S.C. 1437a(b)(3)(E) (Pub. L. 109-249) (See Section 6-I.L. for exceptions.)
- (v) Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))
- (w) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602)
- (x) Any amounts in an "individual development account" as provided by the Assets for Independence Act, as amended in 2002
- (y) Payments made from the proceeds of Indian tribal trust cases as described in Notice PIH 2013-30, "Exclusion from Income of Payments under Recent Tribal Trust Settlements" (25 U.S.C. 117b(a))
- (z) Major disaster and emergency assistance received under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and comparable disaster assistance provided by states, local governments, and disaster assistance organizations
- (aa) Distributions from an ABL account, and actual or imputed interest on the ABL account balance [See also Notice PIH 2019-09]

## PART II: ASSETS

### 6-II.A. OVERVIEW

Annual income includes all actual anticipated income from assets (unless otherwise excluded by the regulations) even if the asset itself is excluded from net family assets [Notice PIH 2023-27].

The regulation at 24 CFR 5.603(b)(3) provides a list of items that are excluded from the calculation of net family assets. Note, unlike previous versions of the regulations, the current regulations *do not* list types of assets that are included in annual income. Instead, HUD relies on the definition of items excluded from assets to provide the scope of what is included. Exhibit 6-2 provides the regulatory definition of *net family assets*.

Optional policies for family self-certification of assets are found in Chapter 7. Policies related to the asset limitation may be found in Chapter 3.

Income from assets is always anticipated, irrespective of the income examination type.

#### LACDA Policy

The LACDA will require the necessary information to determine the **current** cash value, (the net amount the family would receive if the asset were converted to cash).

Verification forms, letters, or documents from a financial institution or broker.

Passbooks, the most recent investment report/statement for the checking and savings certificates of deposit, bonds, or financial statements completed by a financial institution or broker.

Quotes from a stockbroker or realty agent as to net amount family would receive if they liquidated securities or real estate.

Real estate tax statements if the approximate current market value can be deduced from assessment.

Financial statements for business assets.

Copies of closing documents showing the selling price and the distribution of the sales proceeds.

Estimate of personal property held as an investment.

Verification forms from a financial institution or broker.

Although the LACDA will accept the family's estimated value of personal property held as an investment, the LACDA may require the additional information necessary to determine the current cash value (the net amount the family would receive if the asset were converted to cash), and/or obtain an appraisal if there is reason to believe that the family's estimated value is off by \$50 or more. The family must cooperate with the appraiser but cannot be charged any costs related to the appraisal. The LACDA may incur the cost of the appraisal on behalf of the household or assign an appraiser at the LACDA's expense and at a reasonable cost.

When additional information is requested by the LACDA, the household must provide the LACDA with acceptable, written third-party verification documents to verify the value of or income from an asset. A written third-party verification document is considered current if at the time of **receipt** of the document is:

- A monthly statement not more than 60 days old, or
- The most recent quarterly statement, or
- A savings passbook that has been updated by the financial institution within the last 60 days, or
- The most recent annual statement, or
- The most recent document or statement issued to the family, including but not limited to a closing escrow statement or closing bank statement.

#### **6-II.B. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE [24 CFR 5.603(b)(2)]**

The LACDA will include the value of any business or family assets disposed of by an applicant or participant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application or reexamination, as applicable, in excess of the consideration received for the asset.

An asset moved to a retirement account held by a member of the family is not considered to be an asset disposed of for less than fair market value. [Notice PIH 2023-27].

##### ***Minimum Threshold***

HUD does not specify a minimum threshold for counting assets disposed of for less than fair market value. A LACDA may establish a policy to ignore small amounts such as charitable contributions [New PH OCC GB, *Income Determinations*, p. 24].

##### **LACDA Policy**

The LACDA will not include the value of assets disposed of for less than fair market value during the two years proceeding certification or recertification, **unless** the cumulative fair market value of all assets disposed of during the past two years exceeds the gross amount received for the assets by more than \$1,000.

##### ***Separation or Divorce***

The regulation also specifies that assets are not considered disposed of for less than fair market value if they are disposed of as part of a separation or divorce settlement and the applicant or tenant receives important consideration not measurable in dollar terms.

##### **LACDA Policy**

All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received. In order to qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order.

##### ***Foreclosure or Bankruptcy***

Assets are not considered disposed of for less than fair market value when the disposition is the result of a foreclosure or bankruptcy sale. Negative equity in real property or other investments

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does not prohibit the owner from selling the property or other investments, so negative equity alone would not justify excluding the property or other investments from family assets.

***Asset Owned by a Business Entity***

If a business entity (e.g., limited liability company or limited partnership) owns the asset, then the family's asset is their ownership stake in the business, not some portion of the business's assets. However, if the family holds the assets in their own name (e.g., they own one third of a restaurant) rather than in the name of a business entity, then the percentage value of the asset owned by the family is what is counted toward net family assets (e.g., one-third of the value of the restaurant) [Notice PIH 2023-27].

***Family Declaration***

LACDA Policy

Families must sign a declaration under penalty of perjury form at initial certification and each annual recertification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value. The LACDA will verify the value of the assets disposed of if other information available to the LACDA does not appear to agree with the information reported by the family.

## **6-II.C. ASSET INCLUSIONS AND EXCLUSIONS**

### ***Checking and Savings Accounts [Notice PIH 2023-27]***

HUD considers bank accounts as non-necessary items of personal property. Whether or not necessary personal property is counted toward net family assets depends on the combined value of all of the family's assets.

- When the combined value of net family assets is greater than \$50,000, as adjusted by inflation, checking and/or savings accounts would be counted toward net family assets.
- When the combined value of all non-necessary personal property does not exceed \$50,000, as adjusted by inflation, all non-necessary personal property is excluded from net family assets. In this case, the value of the family's checking and/or savings accounts would not be considered when calculating net family assets.

However, actual income from checking and savings accounts is always included in a family's annual income, regardless of the total value of net family assets or whether the asset itself is included or excluded from net family assets, unless that income is specifically excluded.

### ***ABLE Accounts [24 CFR 5.609(b)(10); Notice PIH 2019-09]***

An Achieving a Better Life Experience (ABLE) account is a type of tax-advantaged savings account that an eligible individual can use to pay for qualified disability expenses. Section 103 of the ABLE Act mandates that an individual's ABLE account (specifically, its account balance, contributions to the account, and distributions from the account) is excluded when determining the designated beneficiary's eligibility and continued occupancy under certain federal means-tested programs. The LADCA will exclude the entire value of the individual's ABLE account from the household's assets. Distributions from the ABLE account are also not considered income. However, all wage income received, regardless of which account the money is paid to, is included as income.

***Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds  
[24 CFR 5.603(b)(1)]***

HUD considers financial investments such as stocks and bonds non-necessary items of personal property. Whether non-necessary personal property is counted toward net family assets depends on the combined value of all of the family's assets.

- When the combined value of net family assets is greater than \$50,000, as adjusted by inflation, financial investments such as stocks and bonds are considered part of net family assets. In this case, the value of the family's financial investments such as stocks and bonds would be counted toward net family assets.
- When the combined value of all non-necessary personal property does not exceed \$50,000, as adjusted by inflation, all non-necessary personal property is excluded from net family assets. In this case, the value of the family's financial investments such as stocks and bonds would not be considered when calculating net family assets.

However, actual income from financial accounts is always included in a family's annual income, regardless of the total value of net family assets or whether the asset itself is included or excluded from net family assets, unless that income is specifically excluded. When a stock issues dividends in some years but not others (e.g., due to market performance), the dividend is counted as the actual return when it is issued, but when no dividend is issued, the actual return is \$0. When the stock never issues dividends, the actual return is \$0.

LACDA Policy

The LACDA will include interest or dividends earned by investment accounts as actual income from assets even when the earnings are reinvested.

The cash value of such an asset is determined by deducting from the market value any broker fees, penalties for early withdrawal, or other costs of converting the asset to cash.

In determining the market value of an investment account, the LACDA will use the value of the account on the most recent investment report.

***Necessary and Non-Necessary Personal Property [24 CFR 5.603(b)(3)(i)]***

All assets are categorized as either *real property* (e.g., land, a home) or *personal property*.

*Personal property* includes tangible items, like boats, as well as intangible items, like bank accounts.

The value of necessary items of personal property is excluded from the calculation of net family assets.

HUD defines *necessary personal property* as items **essential** to the family for the maintenance, use, and occupancy of the premises as a home; or they are necessary for employment, education, or health and wellness. Necessary personal property includes more than merely items that are indispensable to the bare existence of the family. It may include personal effects (such as items that are ordinarily worn or utilized by the individual), items that are convenient or useful to a reasonable existence, and items that support and facilitate daily life within the family's home. Necessary personal property also includes items that assist a household member with a disability, including any items related to disability-related needs, or that may be required for a reasonable accommodation for a person with a disability. *Necessary personal property does not include bank accounts, other financial investments, or luxury items.* Items of personal property that do not qualify as necessary personal property are classified as non-necessary personal property.

The combined value of all non-necessary items of personal property is only included in annual income when the combined total value exceeds \$50,000 (adjusted annually). When the combined value of all non-necessary personal property does not exceed \$50,000, as adjusted by inflation, all non-necessary personal property is excluded from net family assets.

While not an exhaustive list, the following table from Notice PIH 2023-27 provides examples of necessary and non-necessary personal property.

Necessary Personal Property	Non-Necessary Personal Property
<p>Car(s)/vehicle(s) that a family relies on for transportation for personal or business use (e.g., bike, motorcycle, skateboard, scooter)</p> <p>Furniture, carpets, linens, kitchenware</p> <p>Common appliances</p> <p>Common electronics (e.g., radio, television, DVD player, gaming system)</p> <p>Clothing</p> <p>Personal effects that are not luxury items (e.g., toys, books)</p> <p>Wedding and engagement rings</p> <p>Jewelry used in religious/cultural celebrations and ceremonies</p> <p>Religious and cultural items</p> <p>Medical equipment and supplies</p> <p>Health care-related supplies</p> <p>Musical instruments used by the family</p> <p>Personal computers, phones, tablets, and related equipment</p> <p>Professional tools of trade of the family, for example professional books</p> <p>Educational materials and equipment used by the family, including equipment to accommodate persons with disabilities</p> <p>Equipment used for exercising (e.g., treadmill, stationary bike, kayak, paddleboard, ski equipment)</p>	<p>Recreational car/vehicle not needed for day-to-day transportation for personal or business use (campers, motorhomes, traveling trailers, all-terrain vehicles (ATVs))</p> <p>Bank accounts or other financial investments (e.g., checking account, savings account, stocks/bonds)</p> <p>Recreational boat/watercraft</p> <p>Expensive jewelry without religious or cultural value, or which does not hold family significance</p> <p>Collectibles (e.g., coins/stamps)</p> <p>Equipment/machinery that is not used to generate income for a business</p> <p>Items such as gems/precious metals, antique cars, artwork, etc.</p>

#### LACDA Policy

In determining the value of non-necessary personal property, the LACDA will use the family's estimate of the value. The LACDA may obtain an appraisal if there is reason to believe that the family's estimated value is off by \$50 or more. The family must cooperate with the appraiser but cannot be charged any costs related to the appraisal.

***Lump-Sum Additions to Net Family Assets [24 CFR 5.609(b)(24(viii); Notice PIH 2023-27]***

The regulations exclude income from lump-sum additions to family assets, including lottery or other contest winnings as a type of nonrecurring income.

In addition, lump sums from insurance payments, settlements for personal or property losses, and recoveries from civil actions or settlements based on claims of malpractice, negligence, or other breach of duty owed to a family member arising out of law that resulted in a member of the family becoming a family member with a disability are excluded from income.

Further, deferred periodic amounts from Supplemental Security Income (SSI) and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts are also excluded from income.

However, these amounts may count toward net family assets. The LACDA will consider any actual or imputed returns from assets as income at the next applicable income examination. In the case where the lump sum addition to assets would lead to imputed income, which is unearned income, that increases the family's annual adjusted income by 10 percent or more, then the addition of the lump sum to the family's assets will trigger an immediate interim reexamination of income in accordance with Chapter 9. This reexamination of income must take place as soon as the lump sum is added to the family's net family assets unless the addition takes place in the last three months of family's income certification period and the LACDA chooses not to conduct the examination.

For a discussion of lump-sum payments that represent the delayed start of a periodic payment, most of which are counted as income, see sections 6-I.H and 6-I.I.

**LACDA Policy**

Any lump-sum receipts are only counted as assets if they are retained by a family in a form recognizable as an asset. [RHIIP FAQs]. For example, if the family receives a \$1,000 lump sum for lottery winnings, and the family immediately spends the entire amount, the lump sum will not be counted toward net family assets.

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***Jointly Owned Assets [Notice PIH 2023-27]***

For assets owned jointly by the family and one or more individuals outside of the assisted family, the LACDA must include the total value of the asset in the calculation of net family assets, unless:

- The asset is otherwise excluded;
- The family can demonstrate that the asset is inaccessible to them; or
- The family cannot dispose of any portion of the asset without the consent of another owner who refuses to comply.

If the family demonstrates that they can only access a portion of an asset, then only that portion's value is included in the calculation of net family assets for the family.

Any income from a jointly owned asset must be included in annual income, unless:

- The income is specifically excluded;
- The family demonstrates that they do not have access to the income from that asset; or
- The family only has access to a portion of the income from that asset.

LACDA Policy

If the family demonstrates that they can only access a portion of the income from an asset, then only that portion's value is included in the calculation of income from assets.

If an individual is a beneficiary who is entitled to access the account's funds only upon the death of the account's owner, and may not otherwise withdraw funds from an account, then the account is not an asset to the assisted family, and the family should provide proper documentation demonstrating that they are only a beneficiary on the account.

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***Trusts [24 CFR 5.609(b)(2) and 5.603(b)(4)]***

A *trust* is a legal arrangement generally regulated by state law in which one party (the creator or grantor) transfers property to a second party (the trustee) who holds the property for the benefit of one or more third parties (the beneficiaries).

The following types of trust distributions are excluded from annual income:

- Distributions of the principal or corpus of the trust; and
- Distributions of income from the trust when the distributions are used to pay the costs of health and medical care expenses for a minor.

The basis for determining how to treat trusts relies on information about who has access to either the principal in the account or the income from the account. There are two types of trusts, *revocable* and *irrevocable*.

When the creator sets up an *irrevocable trust*, the creator has no access to the funds in the account. Irrevocable trusts not under the control of any member of the family or household are not assets. Typically, special needs trusts are considered irrevocable. The value of the trust is not included in net family assets, so long as the fund continues to be held in a trust that is not revocable by, or under the control of, any member of the family or household [24 CFR 5.603(b)(4)]. Where an irrevocable trust is excluded from net family assets, the LADCA will not consider actual income earned by the trust (e.g., interest earned, rental income if property is held in the trust) for so long as the income from the trust is not distributed. If the value of the trust is not considered part of the family's net assets, then distributions from the trust are treated as follows:

- All distributions from the trust's principal are excluded from income.
- Distributions of income earned by the trust (i.e., interest, dividends, realized gains, or other earnings on the trust's principal), are included as income unless the distribution is used to pay for the health and medical expenses for a minor.

A *revocable trust* is a trust that the creator of the trust may amend or end (revoke). When there is a revocable trust, the creator has access to the funds in the trust account.

The value of revocable trusts that are not under the control of the family are excluded from net family assets. This happens when a member of the assisted family is the beneficiary of a revocable trust, but the grantor is not a member of the assisted family. In this case the beneficiary does not "own" the revocable trust, and the value of the trust is excluded from net family assets. For the revocable trust to be considered excluded from net family assets, no family or household member may be the account's trustee. If this is the case, then distributions from the trust are treated as follows:

- All distributions from the trust's principal are excluded from income.
- Distributions of income earned by the trust (i.e., interest, dividends, realized gains, or other earnings on the trust's principal), are included as income unless the distribution is used to pay for the health and medical expenses for a minor.

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Revocable trusts under the control of the family or household (e.g., the grantor is a member of the assisted family or household) are considered assets and must be included in net family assets.

If the value of the trust is considered part of the family's net assets, then distributions from the trust are not considered income to the family. The LACDA must count all actual returns (e.g., interest earned) from the trust as income or, if the trust has no actual returns (e.g., if the trust is comprised of farmland that is not in use) and the total value of the combined net family assets exceeds \$50,000 (as that amount is updated for inflation), as imputed returns, as applicable.

#### ***Life Insurance [FR Notice 2/14/23 and Notice PIH 2023-27]***

Net family assets do not include the value of term life insurance, which has no cash value to the individual before death.

The cash value of a life insurance policy available to a family member before death, such as a whole life or universal life policy, is included in the calculation of the value of the family's assets. The cash value is the surrender value. While the cash value of an insurance policy is considered an asset, the face value of any policy is not. If such a policy earns dividends or interest that the family could elect to receive, the amount of dividends or interest is counted as income from the asset whether or not the family actually receives it.

#### ***Tax Refunds [24 CFR 5.603(b)(3)(xi) and Notice PIH 2023-27]***

All amounts received by a family in the form of federal tax refunds or refundable tax credits are excluded from a family's net family assets for a period of 12 months after receipt by the family.

At the time of an annual or interim reexamination of income, if the federal tax refund was received during the 12 months preceding the effective date of the reexamination, then the amount of the refund that was received by the family is subtracted from the total value of the account in which the federal tax refund or refundable tax credits were deposited. When the subtraction results in a negative number, then the balance of the asset is considered \$0.

If the tax refund or refundable tax credit is deposited into another excluded asset, such as a retirement account or a Coverdell Education Savings Account, then the deposit will have no effect on the balance of the asset (i.e., there is no need for the LACDA to subtract the amount of the deposit from the value of the excluded asset).

***Asset Exclusions [24 CFR 5.603(b)]***

The following are excluded from the calculations of net family assets:

- The value of any account under a retirement plan recognized as such by the IRS, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals [24 CFR 5.603(b)(3)(iii)].
- The value of real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located [24 CFR 5.603(b)(3)(iv)].
  - *Real property* as used in this part has the same meaning as that provided under the law of the state in which the property is located [24 CFR 5.100].
  - Examples of this include but are not limited to co-ownership situations (including situations where one owner is a victim of domestic violence), where one party cannot unilaterally sell the real property; property that is tied up in litigation; and inherited property in dispute [Notice PIH 2023-27].
- Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a family member being a person with a disability [24 CFR 5.603(b)(3)(v)];
- The value of any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986 [24 CFR 5.603(b)(3)(vi)];
- The value of any qualified tuition program under Section 529 of such Code [24 CFR 5.603(b)(3)(vi)];
- The value of any “baby bond” account created, authorized, or funded by federal, state, or local government [24 CFR 5.603(b)(3)(vi)];
- Interests in Indian trust land [24 CFR 5.603(b)(3)(vii)];
- Equity in a manufactured home where the family receives assistance under 24 CFR part 982 [24 CFR 5.603(b)(3)(viii)];
- Equity in property under the Homeownership Option for which a family receives assistance under 24 CFR part 982 [24 CFR 5.603(b)(3)(ix)];
- Family Self-Sufficiency accounts [24 CFR 5.603(b)(3)(x)];
- Federal tax refunds or refundable tax credits for a period of 12 months after receipt by the family [24 CFR 5.603(b)(3)(xi)].
- The full amount of assets held in an irrevocable trust [Notice PIH 2023-27]; and
- The full amount of assets held in a revocable trust where a member of the family is the beneficiary, but the grantor/owner and trustee of the trust is not a member of the participant family or household [Notice PIH 2023-27].

## **6-II.D. DETERMINING INCOME FROM ASSETS**

In some cases, amounts that are excluded from net family assets may be included as annual income when disbursements are made to a family from an asset. In other cases, amounts are excluded from annual income as a lump-sum addition to net family assets, but those funds are then considered a net family asset if held in an account or other investment that is considered part of net family assets [Notice PIH 2023-27].

### ***Net Family Assets***

*Net family assets* are defined as the net cash value of all assets owned by the family, after deducting reasonable costs that would be incurred in disposing real property, savings, stocks, bonds, and other forms of capital investment.

#### LACDA Policy

Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions such as settlement costs and transfer taxes [New PH OCC GB, *Income Determinations*, p. 24].

The calculation of asset income sometimes requires the LACDA to make a distinction between an asset's market value and its cash value.

- The market value of an asset is its worth in the market (e.g., the amount a buyer would pay for real estate or the total value of an investment account).
- The cash value of an asset is its market value less all reasonable amounts that would be incurred when converting the asset to cash.

The cash value of real property or other assets with negative equity would be considered \$0 for the purposes of calculating net family assets. Negative equity in real property or other investments does not prohibit the family from selling the property or other investments, so negative equity alone would not justify excluding the property or other investments from family assets [Notice PIH 2023-27].

***Actual Income from Assets***

Income from assets must be included on the Form HUD-50058 regardless of the amount of income. Actual income from assets is always included in a family's annual income, regardless of the total value of net family assets or whether the asset itself is included or excluded from net family assets, unless that income is specifically excluded by 24 CFR 5.609(b).

Income or returns from assets are generally considered to be interest, dividend payments, and other actual income earned on the asset, and not the increase in market value of the asset. The increase in market value is relevant to the cash value of the asset for the purpose of determining total net family assets and imputing income.

The LACDA may determine the net assets of a family based on a self-certification by the family that the net family assets do not exceed \$50,000 (adjusted annually by HUD), without taking additional steps to verify the accuracy of the declaration [24 CFR 5.618(b)]. Policies related to verification of assets are found in Chapter 7 of this policy.

The LACDA may not calculate or include any imputed income from assets when net family assets total \$50,000 or less [24 CFR 5.609(b)(1)]. The actual income from assets must be included on the Form HUD-50058.

***Imputed Income from Assets***

When net family assets exceed \$50,000 (adjusted annually by HUD), the LACDA may not rely on self-certification. If actual returns can be calculated, the LACDA must include actual income from the asset on the Form HUD-50058 (for example, a savings account or CD where the rate of return is known). If actual returns cannot be calculated, the LACDA must calculate imputed returns using the HUD-determined passbook rate (for example, real property or a non-necessary item of personal property such as a recreational boat). If the LACDA can compute actual income from some but not all assets, the LACDA must compute actual returns where possible and use the HUD-determined passbook rate for assets where actual income cannot be calculated [24 CFR 5.609(a)(2)].

An asset with an actual return of \$0 (such as a non-interest-bearing checking account), is not the same as an asset for which an actual return cannot be computed (such as non-necessary personal property). If the asset is a financial asset and there is no income generated (for example, a bank account with a zero percent interest rate or a stock that does not issue cash dividends), then the asset generates zero actual asset income, and imputed income is not calculated. When a stock issues dividends in some years but not others (e.g., due to market performance), the dividend is counted as the actual return when it is issued, and when no dividend is issued, the actual return is \$0. When the stock never issues dividends, the actual return is consistently \$0.

## PART III: ADJUSTED INCOME

### 6-III.A. INTRODUCTION

#### Overview

HUD regulations require the LADCA to deduct from annual income any of five mandatory deductions for which a family qualifies and allow the LACDA to deduct other permissive deductions in accordance with LACDA policy. The resulting amount is the family's adjusted income. Mandatory deductions are found in 24 CFR 5.611.

5.611 *Adjusted income* means annual income (as determined under § 5.609) of the members of the family residing or intending to reside in the dwelling unit, after making the following deductions:

**(a) Mandatory deductions**

(1) \$480 for each dependent (adjusted annually by HUD, rounded to the next lowest multiple of \$25);

(2) \$525 for any elderly family or disabled family (adjusted annually by HUD, rounded to the next lowest multiple of \$25);

(3) The sum of the following, to the extent the sum exceeds ten percent of annual income:

(i) Unreimbursed health and medical care expenses of any elderly family or disabled family;

(ii) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed; and

(4) Any reasonable childcare expenses necessary to enable a member of the family to be employed or to further his or her education.

This part covers policies related to these mandatory deductions. Verification requirements related to these deductions are found in Chapter 7.

#### Anticipating Expenses

##### LACDA Policy

Generally, the LACDA will use current circumstances to anticipate expenses. When possible, for costs that are expected to fluctuate during the year (e.g., childcare during school and non-school periods and cyclical medical expenses), the LACDA will estimate costs based on historic data and known future costs.

If a family has an accumulated debt for medical or disability assistance expenses, the LACDA will include as an eligible expense the portion of the debt that the family expects to pay during the period for which the income determination is being made. However, amounts previously deducted will not be allowed even if the amounts were not paid as expected in a preceding period. The LACDA may require the family to provide documentation of payments made in the preceding year.

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When calculating health and medical care expenses, the LACDA will include those expenses anticipated to be incurred during the 12 months following the certification date which are not covered by an outside source, such as insurance. The allowance is not intended to give a family an allowance equal to last year's expenses, but to anticipate regular ongoing and anticipated expenses during the coming year. Since these expenses are anticipated, the *PH Occupancy Guidebook* states "it is likely that actual expenses will not match what was anticipated. Typically, this would not be considered an underpayment as long as at the time of the annual reexamination, the expenses were calculated based on the appropriate verification" [New PH OCC GB, *Income Determinations*, p. 30]. For annual reexaminations, the PHA will use information for the previous 12-month period.

### **6-III.B. DEPENDENT DEDUCTION**

An allowance of \$480 is deducted from annual income for each dependent (which amount will be adjusted by HUD annually in accordance with the Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers, rounded to the next lowest multiple of \$25) [24 CFR 5.611(a)(1)]. *Dependent* is defined as any family member other than the head, spouse, or cohead who is under the age of 18 or who is 18 or older and is a person with disabilities or a full-time student. Foster children, foster adults, and live-in aides are never considered dependents [24 CFR 5.603(b)].

### **6-III.C. ELDERLY OR DISABLED FAMILY DEDUCTION**

A single deduction of \$525 is taken for any elderly or disabled family (which amount will be adjusted by HUD annually in accordance with the CPI for Urban Wage Earners and Clerical Workers, rounded to the next lowest multiple of \$25) [24 CFR 5.611(a)(2)].

An *elderly family* is a family whose head, spouse, cohead, or sole member is 62 years of age or older, and a *disabled family* is a family whose head, spouse, cohead, or sole member is a person with disabilities [24 CFR 5.403].

### **6-III.D. HEALTH AND MEDICAL CARE EXPENSES DEDUCTION [24 CFR 5.611(a)(3)(i)]**

Unreimbursed health and medical care expenses may be deducted to the extent that, in combination with any disability assistance expenses, they exceed ten percent of annual income.

This deduction is permitted only for families in which the head, spouse, or cohead is at least 62 or is a person with disabilities. If a family is eligible for a medical expense deduction, the medical expenses of all family members are counted.

#### **Definition of *Medical Expenses***

HUD regulations define *health and medical care expenses* at 24 CFR 5.603(b) to mean “any costs incurred in the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed.”

Medical insurance premiums continue to be eligible health and medical care expenses. Health and medical care expenses may be deducted from annual income only if they are eligible and not otherwise reimbursed and may only be deducted for elderly or disabled families.

Although HUD revised the definition of *health and medical care expenses* to reflect the Internal Revenue Service (IRS) general definition of medical expenses, HUD is not permitting the LACDA to specifically align its policies with IRS Publication 502 for determining which expenses are included in HUD’s mandatory deduction for health and medical care expenses. PHAs must review each expense to determine whether it is eligible in accordance with HUD’s definition of *health and medical care expenses*.

#### **Families That Qualify for Both Health and Medical and Disability Assistance Expenses**

##### LACDA Policy

This policy applies only to families in which the head, spouse, or cohead is 62 or older or is a person with disabilities.

When expenses anticipated by a family could be defined as either a health and medical care or disability assistance expenses, the LACDA will consider them health and medical care expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

**6-III.E. DISABILITY ASSISTANCE EXPENSES DEDUCTION [24 CFR 5.603(b) and 24 CFR 5.611(a)(3)(ii)]**

Unreimbursed reasonable expenses for attendant care and auxiliary apparatus for each member of the family who is a person with disabilities may be deducted if they: (1) are necessary to enable a family member 18 years or older to work, (2) are not paid to a family member or reimbursed by an outside source, (3) in combination with any medical expenses, exceed ten percent of annual income, and (4) do not exceed the earned income received by the family member who is enabled to work.

**Earned Income Limit on the Disability Assistance Expense Deduction**

A family can qualify for the disability assistance expense deduction only if at least one family member (who may be the person with disabilities) is enabled to work [24 CFR 5.603(b)].

The disability expense deduction is capped by the amount of “earned income received by family members who are 18 years of age or older and who are able to work” because of the expense [24 CFR 5.611(a)(3)(ii)]. The earned income used for this purpose is the amount verified before any earned income disallowances or income exclusions are applied.

LACDA Policy

The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family’s request, the LACDA will consider factors such as how the work schedule of the relevant family members relates to the hours of care provided, the time required for transportation, the relationship of the family members to the person with disabilities, and any special needs of the person with disabilities that might determine which family members are enabled to work.

When the LACDA determines that the disability assistance expenses enable more than one family member to work, the expenses will be capped by the sum of the family members’ incomes. [New PH OCC GB, *Income Determination*, p. 28].

***Eligible Auxiliary Apparatus [Notice PIH 2023-27]***

Auxiliary apparatus items may include expenses for wheelchairs, ramps, adaptations to vehicles, guide dogs, assistance animals, or special equipment to enable a person who is blind or has low vision to read or type, or special equipment to assist a person who is deaf or hard of hearing.

***Eligible Attendant Care [Notice PIH 2023-27]***

Examples of attendant care expenses can include teaching a person with disabilities how to perform day-to-day tasks independently like cleaning, bathing, doing laundry, and cooking. Attendant care can be 24-hour care, or care during sporadic periods throughout the day. The family determines the type of attendant care that is appropriate for the person with disabilities.

**LACDA Policy**

Attendant care expenses will be included for the period that the person enabled to work is employed plus reasonable transportation time. The cost of general housekeeping and personal services is not an eligible attendant care expense. However, if the person enabled to work is the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible.

If the care attendant also provides other services to the family, the LACDA will prorate the cost and allow only that portion of the expenses attributable to attendant care that enables a family member to work. For example, if the care provider also cares for a child who is not the person with disabilities, the cost of care must be prorated. Unless otherwise specified by the care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

***Payments to Family Members***

No disability assistance expenses may be deducted for payments to a member of an assisted family [24 CFR 5.603(b)]. However, expenses paid to a relative who is not a member of the assisted family may be deducted if they are not reimbursed by an outside source.

***Necessary and Reasonable Expenses***

The family determines the type of care or auxiliary apparatus to be provided and must describe how the expenses enable a family member to work. The family must certify that the disability assistance expenses are necessary and are not paid or reimbursed by any other source.

**LACDA Policy**

The LACDA determines the reasonableness of the expenses based on typical costs of care or apparatus in the locality. To establish typical costs, the LACDA will collect information from organizations that provide services and support to persons with disabilities. A family may present, and the LACDA will consider, the family's justification for costs that exceed typical costs in the area.

***Families That Qualify for Both Health and Medical and Disability Assistance Expenses***

**LACDA Policy**

This policy applies only to families in which the head or spouse is 62 or older or is a person with disabilities.

When expenses anticipated by a family could be defined as either health and medical care or disability assistance expenses, the LACDA will consider them health and medical care expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

## **6-III.F. CHILDCARE EXPENSE DEDUCTION**

HUD defines *child care expenses* at 24 CFR 5.603(b) as “amounts anticipated to be paid by the family for the care of children under 13 years of age (including foster children) during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.”

### **Clarifying the Meaning of *Child* for This Deduction**

Childcare expenses do not include child support payments made to another on behalf of a minor who is not living in an assisted family’s household [VG, p. 26]. However, childcare expenses for foster children that are living in the assisted family’s household are included when determining the family’s childcare expenses [HCV GB, p. 5-29].

### **Qualifying for the Deduction**

#### ***Determining Who Is Enabled to Pursue an Eligible Activity***

##### LACDA Policy

The family must identify the family member(s) enabled to pursue an eligible activity. The term *eligible activity* in this section means any of the activities that may make the family eligible for a childcare deduction (seeking work, pursuing an education, or being gainfully employed).

In evaluating the family’s request, the LACDA will consider factors such as how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

#### ***Seeking Work***

##### LACDA Policy

If the childcare expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member’s efforts to obtain employment at each reexamination. The deduction may be reduced or denied if the family member’s job search efforts are not commensurate with the childcare expense being allowed by the LACDA.

***Furthering Education***

LACDA Policy

If the childcare expense being claimed is to enable a family member to further their education, the member must be enrolled in school (academic or vocational) or participating in a formal training program. The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the childcare claimed.

***Being Gainfully Employed***

LACDA Policy

If the childcare expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member's employment during the time that childcare is being provided. Gainful employment is any legal work activity (full- or part-time) for which a family member is compensated.

**Earned Income Limit on Child Care Expense Deduction**

When a family member looks for work or furthers their education, there is no cap on the amount that may be deducted for childcare – although the care must still be necessary and reasonable. However, when childcare enables a family member to work, the deduction is capped by “the amount of employment income that is included in annual income” [24 CFR 5.603(b)].

The earned income used for this purpose is the amount of earned income verified after any earned income disallowances or income exclusions are applied.

When the person who is enabled to work is a person with disabilities who receives the earned income disallowance (EID) or a full-time student whose earned income above \$480 is excluded, childcare costs related to enabling a family member to work may not exceed the portion of the person's earned income that actually is included in annual income. For example, if a family member who qualifies for the EID makes \$15,000 but because of the EID only \$5,000 is included in annual income, childcare expenses are limited to \$5,000.

The LACDA must not limit the deduction to the least expensive type of childcare. If the care allows the family to pursue more than one eligible activity, including work, the cap is calculated in proportion to the amount of time spent working [HCV GB, p. 5-30].

LACDA Policy

When the childcare expense being claimed is to enable a family member to work, only one family member's income will be considered for a given period of time. When more than one family member works during a given period, the LACDA generally will limit allowable childcare expenses to the earned income of the lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work.

## **Eligible ChildCare Expenses**

The type of care to be provided is determined by the assisted family. The LACDA may not refuse to give a family the childcare expense deduction because there is an adult family member in the household that may be available to provide childcare [VG, p. 26].

### ***Allowable Child Care Activities***

#### LACDA Policy

For school-age children, costs attributable to public or private school activities during standard school hours are not considered. Expenses incurred for supervised activities after school or during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of childcare.

The costs of general housekeeping and personal services are not eligible. Likewise, childcare expenses paid to a family member who lives in the family's unit are not eligible; however, payments for childcare to relatives who do not live in the unit are eligible.

If a childcare provider also renders other services to a family or childcare is used to enable a family member to conduct activities that are not eligible for consideration, the PHA will prorate the costs and allow only that portion of the expenses that is attributable to childcare for eligible activities. For example, if the care provider also cares for a child with disabilities who is 13 or older, the cost of care will be prorated. Unless otherwise specified by the childcare provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

### ***Necessary and Reasonable Costs***

Childcare expenses will be considered necessary if: (1) a family adequately explains how the care enables a family member to work, actively seek employment, or further their education, and (2) the family certifies, and the childcare provider verifies, that the expenses are not paid or reimbursed by any other source.

#### LACDA Policy

As a discretionary policy, the LACDA hereby defines financial hardship as the following circumstances for purposes of determining eligibility for a hardship exemption.

- Temporary loss of income for a period not to exceed 90 calendar days and childcare is still necessary;
- Increase in utility rates (that exceed the HUD established threshold for implementing the new rates and allowances);
- Adult family member(s) participating in higher education/vocational training and other adult members in the home are unable to care for the minor(s);
- Expense is necessary to continue the child's enrollment at the childcare facility or in accordance with their childcare contract; or
- Increase in childcare expense and the increase is in excess of 40 percent of the family's annual adjusted income.

The LACDA will require the family to request the financial hardship in writing within ten (10) calendar days from the loss in deduction, resulting in financial hardship and inability to pay rent.

The LACDA will obtain third-party verification to determine the family's financial hardship resulting in their inability to pay rent. The exemption will be granted for a period of 90 calendar days. The family's hardship exemption ends when the circumstances that made the family eligible for the exemption are no longer applicable or after 90 days, whichever comes earlier.

### **6-III.G. HARDSHIP EXEMPTIONS [24 CFR 5.611(c), (d), and (e)]**

#### ***Health and Medical Care and Disability Assistance Expenses [24 CFR 5.611(c); Notice PIH 2023-27]***

The regulations provide for two types of hardship exemption categories for families that qualify for unreimbursed health and medical care expenses and/or disability assistance expenses. A family will benefit from this hardship exemption only if the family has eligible expenses that can be deducted in excess of five percent of annual income. In order to claim unreimbursed health and medical care expenses, the family must have a head, cohead, or spouse that is elderly or a person with a disability. In order to claim unreimbursed reasonable attendant care and auxiliary apparatus expenses, the family must include a person with a disability, and the expenses must enable any member of the family (including the member who is a person with a disability) to be employed.

Families may be eligible for relief under one of two categories; phased-in relief or general relief, as defined below.

#### ***Phased-In Relief***

The first category is applicable to all families who received a deduction for unreimbursed health and medical care and/or reasonable attendant care or auxiliary apparatus expenses based on their most recent income review prior to January 1, 2024. The family must receive phased-in relief if they are determined to be eligible as of January 1, 2024. These families will begin receiving a 24-month phased-in relief at their next annual or interim reexamination, whichever occurs first.

For these families, the threshold amount is phased-in as follows:

- The family is eligible for a deduction totaling the sum of expenses that exceeds 5 percent of annual income for the first 12 months.
- At the conclusion of 12 months, the family is eligible for a deduction totaling the sum of their expenses that exceed 7.5 percent of annual income for another 12 months.
- At the conclusion of 24 months, the standard threshold amount of ten (10) percent would be used, unless the family qualifies for relief under the general hardship relief category.
  - When an eligible family's phased-in relief begins at an interim reexamination, the LACDA will process another transaction one year later to move the family along to the next phase. The transaction can be either an interim reexamination if triggered, or a non-interim reexamination transaction.

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Prior to the end of the 24-month period, the family may request a hardship exemption under the second category as described below. If the family is found eligible under the second category, the hardship exemption under the first category ends, and the family's hardship is administered in accordance with the requirements listed below. **Once a family requests general relief, the family may no longer receive phased-in relief.**

New admissions and existing families previously not receiving the allowable deduction will automatically be applied the mandated 10 percent and will not be eligible for the phased-in relief.

LACDA will track the 24-month phase-period for each eligible family, even if a family's expenses go below the appropriate phase-in percentage, during the first or second 12-month phase-in period. The phase-in will continue for families who transfer to another unit or public housing development within the LACDA.

### LACDA Policy

The LACDA will not continue the phased-in relief for families who move from the HCV program to public housing. These families will be treated as new admissions and the sum of expenses that exceeds 10 percent of annual income will be used to calculate their adjusted income.

### **General Relief**

The second category is for families that can demonstrate:

- Their health/medical care and/or reasonable attendant care & auxiliary apparatus expenses increased (other than the transition to the higher threshold); or
- The family's financial hardship is a result of a change in circumstances (as defined in LACDA policy) that would not otherwise trigger an interim reexamination.

The family may request a hardship exemption under the second category regardless of whether the family previously received the health/medical and/or reasonable attendant care & auxiliary apparatus deductions or are currently or were previously receiving relief under the phased-in relief category above. HUD requires that the LACDA develop policies defining what constitutes a hardship for purposes of this exemption.

The LACDA is hereby defining hardship as circumstances limited to the following:

- Circumstances where the family experiences a loss of income and is expected to continue for an undetermined period;
- Imputed welfare (excluding fraud); or
- Increase in utility rates (for Public Housing only)

An elderly or disabled family or a family that includes a person with disabilities may request a hardship exemption to the limitations above when the family experiences a financial hardship due to the change in this regulation. The LACDA reasonable accommodation processes will apply. On a case-by-case basis, the LACDA may grant an additional 90-day extension, not to exceed 180 days, while the family's hardship continues.

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It should be noted that in all cases, the family's hardship relief ends when the circumstances that made the family eligible for the financial relief are no longer applicable or after 90 days, whichever comes earlier.

The LACDA will obtain third-party verification of the hardship or require the family to complete a declaration of facts under penalty of perjury why proof cannot be provided and will document the resident's file the reason third-party verification was not available. The LACDA will attempt to obtain third-party verification prior to the end of the 90-day hardship exemption period.

### LACDA Policy

To qualify for a hardship exemption, a family must submit a request in writing. The request must show that the family's health/ medical, reasonable attendant care & auxiliary apparatus expenses have increased (other than the transition to the higher threshold) or that the family's financial hardship is a result of a change in circumstances. LACDA currently refers to the Internal Revenue Service (IRS) Publication 502 definition for medical, dental expenses, etc., and may be amended from time to time by the IRS.

The LACDA defines *a change in circumstances* as a decrease in income or increase in other expenses that has resulted in the family's financial hardship but does not, on its own, trigger an interim reexam in accordance with LACDA's policies.

Other examples of circumstances constituting a financial hardship may include the following situations:

The family is awaiting an eligibility determination for a Federal, State, or local assistance program, such as a determination for unemployment compensation or disability benefits;

The family's income decreased because of a loss of employment, death of a family member, or due to a natural or Federal/State declared disaster; or

Other circumstances as determined by the LACDA .

The family must provide third-party verification of the hardship **with the request**. If third-party verification is not available, the LACDA will require the family to complete a declaration under penalty of perjury stating the facts, including the reasons they cannot provide proof/third. Staff will document the resident's file with the reason(s) and attempts to obtain third-party verification prior to the end of the 90-day hardship exemption period.

The LACDA will notify the family in writing within ten (10) calendar days of the determination regarding the change in the determination of adjusted income and the family's rent resulting from hardship exemptions, and when the hardship exemption will begin and expire [24 CFR 5.611(e)(2)].

### LACDA Policy

If the LACDA **denies** the hardship exemption request, the LACDA will notify the family in writing within ten (10) calendar days from the determination. Denial notice will state that if the family does not agree with the LACDA determination, the family may request a hearing within ten (10) calendar day from the date of the notice.

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If the family **qualifies** for an exemption, the LACDA will include the date the hardship exemption will begin and the date it will expire as well as information on how to request a 90-day extension (not to exceed 180 calendar days) based on family circumstances.

If the family qualifies, the family will receive a deduction for the sum of eligible expenses that exceed five percent of annual income.

The family's hardship relief ends when the circumstances that made the family eligible for the relief are no longer applicable or after 90 days, whichever is earlier. However, the LACDA may, at its discretion, extend the relief for one or more additional 90-day periods while the family's hardship condition continues, not to exceed 180 calendar days. LACDA s is required establish written policies regarding the types of circumstances that will allow a family to qualify for a financial hardship and when such deductions may be eligible for additional 90-day extensions.

### LACDA Policy

The family may request an extension in writing prior to the end of the hardship exemption period. The LACDA will extend relief for an additional 90-days if the family demonstrates that the family continues to qualify for the hardship exemption based on circumstances described above LACDA will require updated third-party verification based on the family's current circumstances.

Additional extension may be granted on a case-by-case basis provided the family continues to request extensions prior to the end of each hardship exemption period. **Families must report if the circumstances that made the family eligible for the hardship exemption are no longer applicable.** At any time, the LACDA may **terminate** the hardship exemption if the LACDA is in receipt of information and determines that the family no longer qualifies for the exemption.

### ***Childcare Expense Hardship Exemption [24 CFR 5.611(d) and Notice PIH 2023-27]***

A family whose eligibility for the childcare expense deduction is ending may request a financial hardship exemption to continue receiving the deduction. If the family demonstrates to the LACDA's satisfaction that the family is unable to pay their rent because of the loss of the childcare expense deduction, and that the childcare expense is still necessary even though the family member is not working, looking for work, or seeking to further their education, the LACDA must recalculate the family's adjusted income and continue the childcare deduction.

The LACDA established what constitutes a hardship, which includes the family's inability to pay rent. The LACDA must obtain third-party verification of the hardship or require the family to complete a declaration of facts under penalty of perjury when third-party verification is not available and will document the resident's file the reason third-party verification was not available. LACDA s will attempt to obtain third-party verification *prior* to the end of the 90-day hardship exemption period.

### LACDA Policy

The LACDA will require the family to request the financial hardship in writing within ten (10) calendar days from the loss in deduction, resulting in financial hardship and inability to pay rent.

The LACDA will obtain third-party verification to determine the family's financial hardship resulting in their inability to pay rent. The exemption will be granted for a

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period of 90 calendar days. The family's hardship exemption ends when the circumstances that made the family eligible for the exemption are no longer applicable or after 90 days, whichever comes earlier.

As a discretionary policy, the LACDA hereby defines financial hardship as the following circumstances for purposes of determining eligibility for a hardship exemption.

- Temporary loss of income for a period not to exceed 90 calendar days and childcare is still necessary;
- Increase in utility rates (that exceed the HUD established threshold for implementing the new rates and allowances);
- Adult family member(s) participating in higher education/vocational training and other adult members in the home are unable to care for the minor(s);
- Expense is necessary to continue the child's enrollment at the childcare facility or in accordance with their childcare contract; or
- Increase in childcare expense and the increase is in excess of 40 percent of the family's annual adjusted income.

Upon receipt of the family's hardship request, the LACDA will notify the family in writing within 30 calendar days of the determination of the request. If the request is approved, the LACDA will inform the family in writing of when the hardship exemption will begin and expire [24 CFR 5.611(e)(2)]. The notice will also state the requirement for the family to report to the LACDA if the circumstances that made the family eligible for relief are no longer applicable and that the family's adjusted income and tenant rent will be recalculated upon expiration of the hardship exemption [Notice PIH 2023-27]. If the family's rent increases, the LACDA will issue a 30-day notice of increase in rent.

If the request is denied, the LACDA will inform the family in writing the reason(s) why the family does not qualify for the hardship exemption [24 CFR 5.611(e)(2)]. If the family's rent increases, the LACDA will issue a 30-day notice of increase in rent.

#### **6-III.H. PERMISSIVE DEDUCTIONS [24 CFR 5.611(b)(1)(i)]**

The LADCA may adopt additional permissive deductions from annual income if they establish a policy in the ACOP. Permissive deductions are additional, optional deductions that may be applied to annual income. As with mandatory deductions, permissive deductions must be based on need or family circumstance and deductions must be designed to encourage self-sufficiency or other economic purpose. If the LADCA offers permissive deductions, they must be granted to all families that qualify for them and should complement existing income exclusions and deductions [PH Occ GB, p. 128]. Permissive deductions may be used to incentivize or encourage self-sufficiency and economic mobility.

If the LACDA chooses to adopt permissive deductions, the LACDA is not eligible for an increase in Capital Fund and Operating Fund formula grants based on the application of those deductions. The PHA LADCA establish a written policy for such deductions.

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The *Form HUD-50058 Instruction Booklet* states that the maximum allowable amount for total permissive deductions is less than \$90,000 per year.

LACDA Policy

The LACDA has opted not to use permissive deductions.

**6-III.F. DE MINIMIS ERRORS IN INCOME DETERMINATIONS**

In accordance with HUD, the LACDA must take corrective action to credit or repay a family if the family was overcharged tenant rent because of de minimis errors in calculating family income. However, the LACDA must not implement local policies to require a family to repay in instances resulting in a family being undercharged for rent when the PHA miscalculated the family's income.

De minimis is defined as a PHA calculation error of \$30 or less of the family's monthly adjusted income (or \$360 in annual adjusted income). The provision enables the LACDA to make a de minimis error income determination on a family-by-family basis rather than having HUD conduct a full portfolio review if the LACDA exceeds the threshold.

As required by HUD, under a corrective action, the LACDA will grant the family credit toward future rents when it is discovered that there is a rent overcharge due to an administrative error calculation. The family is issued a credit retroactively to the effective date of the action when the error was made, regardless of the dollar amount associated with the administrative error.

## **PART IV: CALCULATING RENT**

### **6-IV.A. OVERVIEW OF INCOME-BASED RENT CALCULATIONS**

The first step in calculating income-based rent is to determine each family's Total Tenant Payment (TTP). Then, if the family is occupying a unit that has tenant-paid utilities, the utility allowance is subtracted from the TTP. The result of this calculation, if a positive number, is the tenant rent. If the TTP is less than the utility allowance, the result of this calculation is a negative number, and is called the utility reimbursement, which is paid directly to the family by the LACDA.

#### **TTP Formula [24 CFR 5.628]**

HUD regulations specify the formula for calculating the TTP for an assisted family. TTP is the highest of the following amounts, rounded to the nearest dollar:

- 30 percent of the family's monthly adjusted income (adjusted income is defined in Part II)
- 10 percent of the family's monthly gross income (annual income, as defined in Part I, divided by 12)
- The welfare rent (in as-paid states only)
- A minimum rent between \$0 and \$50 that is established by the LACDA.

The LACDA has authority to suspend and exempt families from minimum rent when a financial hardship exists, as defined in section 6-IV.B.

#### ***Welfare Rent [24 CFR 5.628]***

##### LACDA Policy

Welfare rent does not apply in this locality.

#### ***Minimum Rent [24 CFR 5.630]***

##### LACDA Policy

The minimum rent for THE LACDA is \$50. The minimum rent refers to a minimum total tenant payment and not a minimum tenant rent.

#### **LACDA Procedures for Notification to Families of Hardship Exceptions**

The LACDA will notify those participant families subject to a minimum rent of their right to request a minimum rent hardship exception under the law. The LACDA will notify all families at the annual recertification of their right to request a minimum rent hardship exception.

The LACDA notification will advise the family that hardship exception determinations are subject to LACDA grievance procedures.

The LACDA will review all resident requests for exception from the minimum rent due to financial hardships. Refer to section.

**6-IV.B. FINANCIAL HARDSHIPS AFFECTING MINIMUM RENT.** All requests for minimum rent exception are required to be submitted in writing and in a legible written format. A resident may request as an accommodation to submit the document in an alternative format.

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Requests for minimum rent exception must state the family circumstances that qualify the family for an exception.

### **Exceptions to Minimum Rent**

- The LACDA will immediately grant the minimum rent exception to all families who request it. The minimum rent will be suspended until the LACDA determines whether the hardship is: Covered by statute OR
- Temporary/long-term.

If the LACDA determines that the minimum rent is not covered by statute, the LACDA will impose a minimum rent including payment for minimum rent from the time of suspension.

### **Repayment Agreements for Temporary Hardship**

The LACDA will offer a repayment agreement to the family for any such rent not paid during the temporary hardship period.

If the family owes the LACDA money for rent arrears incurred during the minimum rent period, the LACDA will require that the family pay an initial lump sum (in an amount determined by the LACDA) with the remaining balance to be repaid in equal payments over a period of time not to exceed 12 months under \$2400 or 24 months for any amount in excess of \$2400.

Minimum rent arrears that are less than \$50 will be required to be paid in full the first month following the end of the minimum rent period.

The LACDA's policies regarding repayment agreements are further discussed in the chapter entitled "Family Debts to the LACDA."

**Optional Changes to Income-Based Rents [24 CFR 960.253(c)(2) and PH Occ GB, pp. 131-134]**

LACDA have been given very broad flexibility to establish their own, unique rent calculation systems as long as the rent produced is not higher than that calculated using the TTP and mandatory deductions. At the discretion of the LACDA, rent policies may structure a system that uses combinations of permissive deductions, escrow accounts, income-based rents, and the required flat and minimum rents.

The LACDA's minimum rent and rent choice policies still apply to affected families. Utility allowances are applied to LACDA designed income-based rents in the same manner as they are applied to the regulatory income-based rents.

The choices are limited only by the requirement that the method used not produce a TTP or tenant rent greater than the TTP or tenant rent produced under the regulatory formula.

LACDA Policy

The LACDA opt not to adopt optional changes to income-based rents.

**Ceiling Rents [24 CFR 960.253 (c)(2) and (d)]**

Ceiling rents are used to cap income-based rents. They are part of the income-based formula. If the calculated TTP exceeds the ceiling rent for the unit, the ceiling rent is used to calculate tenant rent (ceiling rent/TTP minus utility allowance). Increases in income do not affect the family since the rent is capped. The use of ceiling rents fosters upward mobility and income mixing.

Because of the mandatory use of flat rents, the primary function of ceiling rents now is to assist families who cannot switch back to flat rent between annual reexaminations and would otherwise be paying an income-based tenant rent that is higher than the flat rent.

Ceiling rents must be set to the level required for flat rents (which will require the addition of the utility allowance to the flat rent for properties with tenant-paid utilities) [PH Occ GB, p. 135].

LACDA Policy

The LACDA opt not to use ceiling rents.

**FLAT RENTS**

The LACDA has established, for each dwelling unit in public housing a flat rental amount, which:

Is based on the HUD established Small Area Fair Market Rents (SAFMR); and

Any change in the Flat Rent schedule due to changes initiated by HUD to the SAFMR will not be considered a "significant change" to the Annual/Agency Plan; and

Is designed so that the rent structures do not create a disincentive for continued residency in public housing by families who are attempting to become economically self-sufficient through employment or who have attained a level of self-sufficiency through their own efforts.

The LACDA shall review the income of families paying flat rent not less than once every three years.

**Utility Reimbursement [24 CFR 982.514(b); 982.514]**

Utility Reimbursement Payment (URP) occurs when any applicable utility allowance for tenant-paid utilities exceeds the TTP. HUD permits the LACDA to pay the reimbursement to the family or directly to the utility provider.

LACDA Policy

If there is URP, the LACDA shall pay the URP directly to the resident, via a pre-paid card.

The LACDA will make all URPS to qualifying families on a monthly basis.

## **6-IV.B. FINANCIAL HARDSHIPS AFFECTING MINIMUM RENT [24 CFR 5.630]**

### **Overview**

If the LACDA establishes a minimum rent greater than zero, the LACDA must grant an exemption from the minimum rent if a family is unable to pay the minimum rent because of financial hardship.

The financial hardship exemption applies only to families required to pay the minimum rent. If a family's TTP is higher than the minimum rent, the family is not eligible for a hardship exemption. If the LACDA determines that a hardship exists, the family share is the highest of the remaining components of the family's calculated TTP.

### **HUD-Defined Financial Hardship**

Financial hardship includes the following situations:

- (1) The family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program. This includes a family member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996.

#### LACDA Policy

A hardship will be considered to exist only if the loss of eligibility has an impact on the family's ability to pay the minimum rent.

For a family has lost or waiting for a determination of eligibility, the hardship period will end as of the first of the month following: (1) implementation of assistance, if approved, or (2) the decision to deny assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardship circumstances.

- (2) The family would be evicted as a result of the imposition of the minimum rent requirement
- (3) Family income has decreased because of changed family circumstances, including the loss of employment due to no fault of their own.
- (4) A death has occurred in the family.

In order to qualify under this provision, a family must describe how the death has created a financial hardship (e.g., because of funeral-related expenses or the loss of the family member's income).

- (5) The family has experienced other circumstances determined by the LACDA.

#### LACDA Policy

The LACDA has not established any additional hardship criteria.

### **Implementation of Hardship Exemption**

#### ***Determination of Hardship***

When a family requests a financial hardship exemption, the LADCA will suspend the minimum rent requirement beginning the first of the month following the family's request.

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The LACDA then determines whether the financial hardship exists and whether the hardship is temporary or long-term.

### LACDA Policy

The LACDA defines temporary hardship as a hardship expected to last 90 days or less.

Long-term hardship is defined as a hardship expected to last more than 90 days.

When the minimum rent is suspended, the family share reverts to the highest of the remaining components of the calculated TTP. The example below demonstrates the effect of the minimum rent exemption.

<b>Example: Impact of Minimum Rent Exemption</b>			
Assume the LACDA has established a minimum rent of \$50.			
<b>Family Share – No Hardship</b>		<b>Family Share – With Hardship</b>	
\$0	30% of monthly adjusted income	\$0	30% of monthly adjusted income
\$15	10% of monthly gross income	\$15	10% of monthly gross income
N/A	Welfare rent	N/A	Welfare rent
\$50	Minimum rent	\$50	Minimum rent
Minimum rent applies.		Hardship exemption granted.	
TTP = \$50		TTP = \$15	

### LACDA Policy

To qualify for a hardship exemption, a family must submit a request for a hardship exemption in writing. The request must explain the nature of the hardship and how the hardship has affected the family's ability to pay the minimum rent.

The LACDA will make the determination of hardship within 30 calendar days.

***No Financial Hardship***

If the LACDA determines there is no financial hardship, the LACDA will reinstate the minimum rent and require the family to repay the amounts suspended.

For procedures pertaining to grievance hearing requests based upon the LACDA's denial of a hardship exemption, see Chapter 14, Grievances and Appeals.

**LACDA Policy**

The LACDA will require the family to repay the suspended amount within 30 calendar days of the LACDA's notice that a hardship exemption has not been granted.

***Temporary Hardship***

If the LACDA determines that a qualifying financial hardship is temporary, the LACDA must suspend the minimum rent for the 90-day period beginning the first of the month following the date of the family's request for a hardship exemption.

At the end of the 90-day suspension period, the family must resume payment of the minimum rent and must repay the LACDA the amounts suspended. HUD requires the LACDA to offer a reasonable repayment agreement, on terms and conditions established by the LACDA. The LACDA also may determine that circumstances have changed, and the hardship is now a long-term hardship.

For procedures pertaining to grievance hearing requests based upon the LACDA's denial of a hardship exemption, see Chapter 14, Grievances and Appeals.

**LACDA Policy**

The LACDA will enter into a repayment agreement in accordance with the LACDA's repayment agreement policy.

The LACDA will offer a repayment agreement to the family for any such rent not paid during the temporary hardship period.

If the family owes the LACDA money for rent arrears incurred during the minimum rent period, the LACDA will require that the family pay an initial lump sum (in an amount determined by the LACDA) with the remaining balance to be repaid in equal payments over a period of time not to exceed 12 months under \$2400 or 24 months for any amount in excess of \$2400.

Minimum rent arrears that are less than \$50 will be required to be paid in full the first month following the end of the minimum rent period.

***Long-Term Hardship***

If the LACDA determines that the financial hardship is long-term, the LACDA must exempt the family from the minimum rent requirement for so long as the hardship continues. The exemption will apply from the first of the month following the family's request until the end of the qualifying hardship. When the financial hardship has been determined to be long-term, the family is not required to repay the minimum rent.

LACDA Policy

The hardship period ends when any of the following circumstances apply:

- (1) At an interim or annual reexamination, the family's calculated TTP is greater than the minimum rent.
- (2) For hardship conditions based on loss of income, the hardship condition will continue to be recognized until new sources of income are received that are at least equal to the amount lost. For example, if a hardship is approved because a family no longer receives a \$60/month child support payment, the hardship will continue to exist until the family receives at least \$60/month in income from another source or once again begins to receive the child support.
- (3) For hardship conditions based upon hardship-related expenses, the minimum rent exemption will continue to be recognized until the cumulative amount exempted is equal to the expense incurred.

**6-IV.C. UTILITY ALLOWANCES [24 CFR 965, Subpart E]**

**Overview**

Utility allowances are provided to families paying income-based rents when the cost of utilities is not included in the rent. When determining a family's income-based rent, the LACDA will apply the utility allowance applicable to the type (i.e., unit site, location, etc). of dwelling unit leased by the family.

**Resident-Paid Utilities**

The following requirements apply to residents living in developments with resident-paid utilities or applicants being admitted to such developments:

New residents are required to change the utility services under the head-of-household by the LACDA's designated due date.

Paying the utility bill is the resident's obligation under the lease. Failure to pay utilities is grounds for eviction.

**Resident Responsibility for Appliances**

Residents who are responsible for providing one or more appliance(s) are also responsible for the maintenance and upkeep of such appliance(s). Failure to maintain such appliance(s), as specified in the Lease Agreement, is grounds for termination of tenancy.

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If the LACDA provides the tenant the range and/or refrigerator, and the tenant chooses to install his/her own appliance(s) after the initial term of lease, the utility allowance credit will not be provided for the appliance(s).

#### **Reasonable Accommodation and Individual Relief**

On request from a family, the LACDA will approve a utility allowance that is higher than the applicable amount for the dwelling unit if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family with a disability [24 CFR 8 and 100, PH Occ GB, p. 172].

Likewise, residents with disabilities may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability [PH Occ GB, p. 172]. See Chapter 2 for policies related to reasonable accommodations.

Further, the LACDA **may** grant requests for relief from charges in excess of the utility allowance on reasonable grounds, such as special needs of the elderly, ill, or residents with disabilities, or special factors not within control of the resident, as the LACDA deems appropriate. The family must request the higher allowance and provide the LACDA with an explanation about the additional allowance required.

LACDA Policy

The family must request in writing the higher allowance (reasonable accommodation and/or individual relief) and provide the LACDA with information about the amount of additional allowance required.

The LACDA will consider the following criteria as valid reasons for granting individual relief:

The family's consumption was mistakenly portrayed as excessive due to defects in the meter or errors in the meter reading.

The excessive consumption is caused by a characteristic of the unit or owner-supplied equipment that is beyond the family's control, such as a particularly inefficient refrigerator or inadequate insulation. The allowance should be adjusted to reflect the higher consumption needs associated with the unit until the situation is remedied. The resident should be granted individual relief until the allowance is adjusted.

The excessive consumption is due to special needs of the family that are beyond their control, such as the need for specialized equipment in the case of a family member who is ill, elderly, or who has a disability.

In determining the amount of the reasonable accommodation or individual relief, the LACDA will allow a reasonable measure of additional usage as necessary. To arrive at the amount of additional utility cost of specific equipment, the family must provide information from the manufacturer of the equipment, or the family or LACDA may conduct an internet search for an estimate of usage or additional monthly cost.

At its discretion, the LACDA may reevaluate the need for the increased utility allowance as a reasonable accommodation at any regular annual reexamination.

If the excessive consumption is caused by a characteristic of the unit or LACDA - supplied equipment that is beyond the family's control, such as a particularly inefficient refrigerator or inadequate insulation, the individual relief to the resident will cease when the situation is remedied.

**Utility Allowance Revisions [24 CFR 965.507]**

The LACDA reviews at least annually the basis on which utility allowances have been established and, if reasonably required in order to continue adherence to standards described in 24 CFR 965.505, to establish revised allowances.

The Utility allowance is intended to help defray the cost of utilities not included in the rent. The allowances are based on the monthly cost of reasonable consumption utilities in an energy conservative household, *not* on a family's actual consumption.

The LACDA will revise the utility allowance schedule if there is a rate change that by itself or together with prior rate changes not adjusted for, results in a change of ten (10) percent or more from the rates on which such allowances were based.

Adjustments to resident payments as a result of such changes must be retroactive to the first day of the month following the month in which the last rate change taken into account in such revision became effective. Such rate changes are not subject to the 60-day notice [24 CFR 965.507(b)].

The tenant rent calculations must reflect any changes in the LACDA's utility allowance schedule [24 CFR 960.253(c)(3)].

LACDA Policy

Between annual reviews of utility allowances, the LACDA will only revise its utility allowances due to a rate change, when required to by the regulation. Updated Utility Allowance Schedules will be posted in conspicuous areas of the management offices at the LACDA's public housing developments.

**Excess Utility Payments**

Residents in units where the LACDA pays the utilities may be charged for excess utilities if additional appliances or equipment are used in the unit. This charge shall be applied as specified in the lease. [24CFR 966.4(b)(2)]

**Resident-Paid Utilities**

The following requirements apply to residents living in developments with resident-paid utilities or applicants being admitted to such developments:

- New residents are required to change the utility services under the head-of-household by the LACDA's designated due date.
- Paying the utility bill is the resident's obligation under the lease. Failure to pay utilities is grounds for eviction.
- Resident Responsibility for Appliances
- Residents who are responsible for providing one or more appliance(s) are also responsible for the maintenance and upkeep of such appliance(s). Failure to maintain such appliance(s), as specified in the Lease Agreement, is grounds for termination of tenancy.

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- If the LACDA provides the tenant the range and/or refrigerator, and the tenant chooses to install his/her own appliance(s) after the initial term of lease, the utility allowance credit will not be provided for the appliance(s).

**6-IV.D. PRORATED RENT FOR MIXED FAMILIES [24 CFR 5.520]**

HUD regulations prohibit assistance to ineligible family members. A *mixed family* is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members. Except for non-public housing over income families, the LACDA must prorate the assistance provided to a mixed family. The LACDA will first determine TTP as if all family members were eligible and then prorate the rent based upon the number of family members that actually are eligible. To do this, the LACDA must:

- (1) Subtract the TTP from the flat rent applicable to the unit. The result is the maximum subsidy for which the family could qualify if all members were eligible.
- (2) Divide the family maximum subsidy by the number of persons in the family to determine the maximum subsidy per each family member who is eligible (member maximum subsidy).
- (3) Multiply the member maximum subsidy by the number of eligible family members.
- (4) Subtract the subsidy calculated in the last step from the flat rent. This is the prorated TTP.
- (5) Subtract the utility allowance for the unit from the prorated TTP. This is the prorated rent for the mixed family.
- (6) When the mixed family's TTP is greater than the applicable flat rent, use the TTP as the prorated TTP. The prorated TTP minus the utility allowance is the prorated rent for the mixed family.

## **6-IV.E. FLAT RENTS AND FAMILY CHOICE IN RENTS [24 CFR 960.253]**

### **Flat Rents [24 CFR 960.253(b)]**

The LACDA has established, for each dwelling unit in public housing, a flat rental amount for the dwelling unit, which:

Is based on the HUD established Small Area Fair Market Rents (SAFMR); and

Any change in the Flat Rent schedule due to changes initiated by HUD to the SAFMR will not be considered a “significant change” to the Annual/Agency Plan; and

Is designed so that the rent structures do not create a disincentive for continued residency in public housing by families who are attempting to become economically self-sufficient through employment or who have attained a level of self-sufficiency through their own efforts.

The LACDA shall review the income of families paying flat rent not less than once every three years. For those families that choose to pay the Flat Rent, the amount the family pays **are not locked in for the three (3) year period**. Instead, the LACDA revises the flat rent amount **annually** based on HUD’s SAFMR’s. Families currently paying the flat rent amount will be offered the choice between the updated annual flat rent amount, and the previously calculated income-based rent. For families that elect to pay flat rent, the LACDA will conduct a reexamination of family income at least once every 3 years, not annually.

### **Family Choice in Rents [24 CFR 960.253(a) and (e)]**

Once each year, the LACDA will offer families the choice between a flat rent and an income-based rent. The family may not be offered this choice more than once a year. The LACDA must document that flat rents were offered to families under the methods used to determine flat rents for the LACDA.

#### LACDA Policy

The LACDA will require families to submit their choice of flat or income-based rent in writing and will maintain such requests in the tenant file as part of the admission or annual reexamination process.

The LACDA must provide sufficient information for families to make an informed choice, return the completed form prior to the LACDA reporting the family’s choice of rent to HUD. This information must include the LADCA’s policy on switching from flat rent to income-based rent due to financial hardship and the dollar amount of the rent under each option. However, if the family chose the flat rent for the previous year the LACDA is required to provide an income-based rent amount only in the year that a reexamination of income is conducted or if the family specifically requests it and submits updated income information.

During the annual recertification process, the family will be provided with a choice of rent form. The form will state the flat rent and income-based estimates based the family’s income information reported in the annual reexamination. This form must be completed, signed, and dated by the family and returned by the established due date. LACDA will retain a copy in the resident’s annual reexamination packet and will report the family’s choice of rent on the HUD 9886 form (Code 2 or 7).

### **Switching from Flat Rent to Income-Based Rent Due to Hardship [24 CFR 960.253(f)]**

A family can opt to switch from flat rent to income-based rent at any time if they are unable to pay the flat rent due to financial hardship. If the LACDA determines that a financial hardship exists, the LACDA will immediately allow the family to switch from flat rent to the income-based rent.

#### LACDA Policy

The LACDA will verify all hardship situations. Upon determination by the LACDA that a financial hardship exists, the LACD will allow a family to switch from flat rent to income-based rent effective the first of the month following the family's request.

Reasons for financial hardship include:

- The family has experienced a decrease in income because of changed circumstances, including loss or reduction of employment, death in the family, or reduction in or loss of earnings or other assistance.
- The family has experienced an increase in expenses, because of changed circumstances, for medical costs, childcare, transportation, education, or similar items.
- Such other situations determined by the LADCA to be appropriate.

#### LACDA Policy

The LACDA considers payment of flat rent to be a financial hardship whenever the switch to income-based rent would be lower than the flat rent [PH Occ GB, p. 137].

### **LACDA's Flat Rent Methodology**

The LACDA has set a flat rent for each public housing unit, based on the HUD established annual SAFMR. The following methodology will be utilized to determine and implement flat rents:

1. In accordance with Congressional and HUD requirements, the LACDA will set the Flat Rent for each public housing unit at no less than 80 percent of the applicable Small Area Fair Market Rent (SAFMR) as set by HUD for the Housing Choice Voucher program and adjusted to account for reasonable utilities costs. The Flat Rent will be the SAFMR less the UA as set for each dwelling unit.
2. Changes to the Flat Rent schedule due to changes initiated by HUD to the SAFMR will not be considered a "significant change" to the Annual/Agency Plan.
3. The new Flat Rent will be phased in if needed to ensure that any family currently paying Flat Rent will not experience a rental increase of more than 35% due to the change in the Flat Rent schedule.
4. The LACDA presents two options to the family:
  - A. The updated flat rental amount; and
  - B. The income-based rent.

### **Flat Rents and Earned Income Disallowance [A&O FAQs]**

Because the EID is a function of income-based rents, a family paying flat rent cannot qualify for the EID even if a family member experiences an event that would qualify the family for the EID.

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If the family later chooses to pay income-based rent, they would only qualify for the EID if a new qualifying event occurred.

Under the EID original calculation method, a family currently paying flat rent that previously qualified for the EID while paying income-based rent and is currently within their exclusion period would have the exclusion period continue while paying flat rent as long as the employment that is the subject of the exclusion continues. A family paying flat rent could therefore see a family member's exclusion period expire while the family is paying flat rent.

Under the EID revised calculation method, a family currently paying flat rent that previously qualified for the EID while paying income-based rent and is currently within their exclusion period would have the exclusion period continue while paying flat rent regardless whether the employment that is the subject of the exclusion continues. A family paying flat rent could therefore see a family member's exclusion period expire while the family is paying flat rent.

**EXHIBIT 6-1: ANNUAL INCOME FULL DEFINITION**

**24 CFR 5.609**

(a) Annual income includes, with respect to the family:

(1) All amounts, not specifically excluded in paragraph (b) of this section, received from all sources by each member of the family who is 18 years of age or older or is the head of household or spouse of the head of household, plus unearned income by or on behalf of each dependent who is under 18 years of age, and

(2) When the value of net family assets exceeds \$50,000 (which amount HUD will adjust annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers) and the actual returns from a given asset cannot be calculated, imputed returns on the asset based on the current passbook savings rate, as determined by HUD.

*(b) Annual income does not include the following:*

(1) Any imputed return on an asset when net family assets total \$50,000 or less (which amount HUD will adjust annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers) and no actual income from the net family assets can be determined.

(2) The following types of trust distributions:

(i) For an irrevocable trust or a revocable trust outside the control of the family or household excluded from the definition of net family assets under § 5.603(b):

(A) Distributions of the principal or corpus of the trust; and

(B) Distributions of income from the trust when the distributions are used to pay the costs of health and medical care expenses for a minor.

(ii) For a revocable trust under the control of the family or household, any distributions from the trust; except that any actual income earned by the trust, regardless of whether it is distributed, shall be considered income to the family at the time it is received by the trust.

(3) Earned income of children under the 18 years of age.

(4) Payments received for the care of foster children or foster adults, or State or Tribal kinship or guardianship care payments.

(5) Insurance payments and settlements for personal or property losses, including but not limited to payments through health insurance, motor vehicle insurance, and workers' compensation.

(6) Amounts received by the family that are specifically for, or in reimbursement of, the cost of health and medical care expenses for any family member.

(7) Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a member of the family becoming disabled.

(8) Income of a live-in aide, foster child, or foster adult as defined in §§ 5.403 and 5.603, respectively.

(9)

(i) Any assistance that section 479B of the Higher Education Act of 1965, as amended (20 U.S.C. 1087uu), requires be excluded from a family's income; and

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(ii) Student financial assistance for tuition, books, and supplies (including supplies and equipment to support students with learning disabilities or other disabilities), room and board, and other fees required and charged to a student by an institution of higher education (as defined under Section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) and, for a student who is not the head of household or spouse, the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit.

(A) Student financial assistance, for purposes of this paragraph (9)(ii), means a grant or scholarship received from— (

- 1) The Federal government;
- (2) A State, Tribe, or local government;
- (3) A private foundation registered as a nonprofit under 26 U.S.C. 501(c)(3);
- (4) A business entity (such as corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, or nonprofit entity); or
- (5) An institution of higher education.

(B) Student financial assistance, for purposes of this paragraph (9)(ii), does not include—

- (1) Any assistance that is excluded pursuant to paragraph (b)(9)(i) of this section;
- (2) Financial support provided to the student in the form of a fee for services performed (e.g., a work study or teaching fellowship that is not excluded pursuant to paragraph (b)(9)(i) of this section); (
- 3) Gifts, including gifts from family or friends; or

(4) Any amount of the scholarship or grant that, either by itself or in combination with assistance excluded under this paragraph or paragraph (b)(9)(i), exceeds the actual covered costs of the student. The actual covered costs of the student are the actual costs of tuition, books and supplies (including supplies and equipment to support students with learning disabilities or other disabilities), room and board, or other fees required and charged to a student by the education institution, and, for a student who is not the head of household or spouse, the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit. This calculation is described further in paragraph (b)(9)(ii) of this section.

(C) Student financial assistance, for purposes of this paragraph (b)(9)(ii) must be:

- (1) Expressly for tuition, books, room and board, or other fees required and charged to a student by the education institution;
- (2) Expressly to assist a student with the costs of higher education; or
- (3) Expressly to assist a student who is not the head of household or spouse with the reasonable and actual costs of housing while attending the education institution and not residing in an assisted unit.

(D) Student financial assistance, for purposes of this paragraph (b)(9)(ii), may be paid directly to the student or to the educational institution on the student's behalf. Student financial assistance paid to the student must be verified by the responsible entity as student financial assistance consistent with this paragraph (b)(9)(ii).

(E) When the student is also receiving assistance excluded under paragraph (b)(9)(i) of this section, the amount of student financial assistance under this paragraph (b)(9)(ii) is determined as follows:

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(1) If the amount of assistance excluded under paragraph (b)(9)(i) of this section is equal to or exceeds the actual covered costs under paragraph (b)(9)(ii)(B)(4) of this section, none of the assistance described in this paragraph (b)(9)(ii) of this section is considered student financial assistance excluded from income under this paragraph (b)(9)(ii)(E).

(2) If the amount of assistance excluded under paragraph (b)(9)(i) of this section is less than the actual covered costs under paragraph (b)(9)(ii)(B)(4) of this section, the amount of assistance described in paragraph (b)(9)(ii) of this section that is considered student financial assistance excluded under this paragraph is the lower of:

(i) the total amount of student financial assistance received under this paragraph (b)(9)(ii) of this section, or

(ii) the amount by which the actual covered costs under paragraph (b)(9)(ii)(B)(4) of this section exceeds the assistance excluded under paragraph (b)(9)(i) of this section.

(10) Income and distributions from any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under section 529 of such Code; and income earned by government contributions to, and distributions from, “baby bond” accounts created, authorized, or funded by Federal, State, or local government.

(11) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.

(12)

(i) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

(ii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (e.g., special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;

(iii) Amounts received under a resident service stipend not to exceed \$200 per month. A resident service stipend is a modest amount received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development.

(iv) Incremental earnings and benefits resulting to any family member from participation in training programs funded by HUD or in qualifying Federal, State, Tribal, or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program unless those amounts are excluded under paragraph (b)(9)(i) of this section.

(13) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.

(14) Earned income of dependent fulltime students in excess of the amount of the deduction for a dependent in § 5.611.

(15) Adoption assistance payments for a child in excess of the amount of the deduction for a dependent in § 5.611.

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(16) Deferred periodic amounts from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts.

(17) Payments related to aid and attendance under 38 U.S.C. 1521 to veterans in need of regular aid and attendance.

(18) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit.

(19) Payments made by or authorized by a State Medicaid agency (including through a managed care entity) or other State or Federal agency to a family to enable a family member who has a disability to reside in the family's assisted unit. Authorized payments may include payments to a member of the assisted family through the State Medicaid agency (including through a managed care entity) or other State or Federal agency for caregiving services the family member provides to enable a family member who has a disability to reside in the family's assisted unit.

(20) Loan proceeds (the net amount disbursed by a lender to or on behalf of a borrower, under the terms of a loan agreement) received by the family or a third party (e.g., proceeds received by the family from a private loan to enable attendance at an educational institution or to finance the purchase of a car).

(21) Payments received by Tribal members as a result of claims relating to the mismanagement of assets held in trust by the United States, to the extent such payments are also excluded from gross income under the Internal Revenue Code or other Federal law.

(22) Amounts that HUD is required by Federal statute to exclude from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in paragraph (b) of this section apply. HUD will publish a notice in the Federal Register to identify the benefits that qualify for this exclusion. Updates will be published when necessary.

(23) Replacement housing "gap" payments made in accordance with 49 CFR part 24 that offset increased out of pocket costs of displaced persons that move from one federally subsidized housing unit to another Federally subsidized housing unit. Such replacement housing "gap" payments are not excluded from annual income if the increased cost of rent and utilities is subsequently reduced or eliminated, and the displaced person retains or continues to receive the replacement housing "gap" payments.

(24) Nonrecurring income, which is income that will not be repeated in the coming year based on information provided by the family. Income received as an independent contractor, day laborer, or seasonal worker is not excluded from income under this paragraph, even if the source, date, or amount of the income varies. Nonrecurring income includes:

(i) Payments from the U.S. Census Bureau for employment (relating to decennial census or the American Community Survey) lasting no longer than 180 days and not culminating in permanent employment.

(ii) Direct Federal or State payments intended for economic stimulus or recovery.

(iii) Amounts directly received by the family as a result of State refundable tax credits or State tax refunds at the time they are received.

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(iv) Amounts directly received by the family as a result of Federal refundable tax credits and Federal tax refunds at the time they are received.

(v) Gifts for holidays, birthdays, or other significant life events or milestones (e.g., wedding gifts, baby showers, anniversaries).

(vi) Non-monetary, in-kind donations, such as food, clothing, or toiletries, received from a food bank or similar organization.

(vii) Lump-sum additions to net family assets, including but not limited to lottery or other contest winnings.

(25) Civil rights settlements or judgments, including settlements or judgments for back pay.

(26) Income received from any account under a retirement plan recognized as such by the Internal Revenue Service, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals; except that any distribution of periodic payments from such

accounts shall be income at the time they are received by the family.

(27) Income earned on amounts placed in a family's Family Self Sufficiency Account.

(28) Gross income a family member receives through self-employment or operation of a business; except that the following shall be considered income to a family member:

(i) Net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations; and

(ii) Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

**EXHIBIT 6-2: TREATMENT OF FAMILY ASSETS**

**24 CFR 5.603(b) Net Family Assets**

(1) Net family assets is the net cash value of all assets owned by the family, after deducting reasonable costs that would be incurred in disposing real property, savings, stocks, bonds, and other forms of capital investment.

(2) In determining net family assets, PHAs or owners, as applicable, must include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives consideration not measurable in dollar terms. Negative equity in real property or other investments does not prohibit the owner from selling the property or other investments, so negative equity alone would not justify excluding the property or other investments from family assets.

(3) Excluded from the calculation of net family assets are: (i) The value of necessary items of personal property; (ii) The combined value of all non-necessary items of personal property if the combined total value does not exceed \$50,000 (which amount will be adjusted by HUD in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers); (iii) The value of any account under a retirement plan recognized as such by the Internal Revenue Service, including individual retirement arrangements (IRAs), employer retirement plans, and retirement

plans for self-employed individuals; (iv) The value of real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located; (v) Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a family member being a person with a disability; (vi) The value of any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986, the value of any qualified tuition program under section 529 of such Code, the value of any Achieving a Better Life Experience (ABLE) account authorized under Section 529A of such Code, and the value of any “baby bond” account created, authorized, or funded by Federal, State, or local government. (vii) Interests in Indian trust land; (viii) Equity in a manufactured home where the family receives assistance under 24 CFR part 982; (ix) Equity in property under the Homeownership Option for which a family receives assistance under 24 CFR part 982; (x) Family Self-Sufficiency Accounts; and (xi) Federal tax refunds or refundable tax credits for a period of 12 months after receipt by the family.

(4) In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the trust fund is not a family asset and the value of the trust is not included in the calculation of net family assets, so long as the fund continues to be held in a trust that is not revocable by, or under the control of, any member of the family or household.

**EXHIBIT 6-3: THE EFFECT OF WELFARE BENEFIT REDUCTION**

**24 CFR 5.615**

**Public housing program and Section 8 tenant-based assistance program: How welfare benefit reduction affects family income.**

*(a) Applicability.* This section applies to covered families who reside in public housing (part 960 of this title) or receive Section 8 tenant-based assistance (part 982 of this title).

*(b) Definitions.* The following definitions apply for purposes of this section:

*Covered families.* Families who receive welfare assistance or other public assistance benefits (“welfare benefits”) from a State or other public agency (“welfare agency”) under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

*Economic self-sufficiency program.* See definition at Sec. 5.603.

*Imputed welfare income.* The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

*Specified welfare benefit reduction.*

(1) A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

(2) “Specified welfare benefit reduction” does not include a reduction or termination of welfare benefits by the welfare agency:

(i) at expiration of a lifetime or other time limit on the payment of welfare benefits;

(ii) because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or

(iii) because a family member has not complied with other welfare agency requirements.

*(c) Imputed welfare income.*

(1) A family's annual income includes the amount of imputed welfare income (because of a specified welfare benefits reduction, as specified in notice to the PHA by the welfare agency), plus the total amount of other annual income as determined in accordance with Sec. 5.609.

(2) At the request of the PHA, the welfare agency will inform the PHA in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform the PHA of any subsequent changes in the term or amount of such specified welfare benefit reduction. The PHA will use this information to determine the amount of imputed welfare income for a family.

(3) A family's annual income includes imputed welfare income in family annual income, as determined at the PHA's interim or regular reexamination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided to the PHA by the welfare agency).

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(4) The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed

(5) The PHA may not include imputed welfare income in annual income if the family was not an assisted resident at the time of sanction.

*(d) Review of PHA decision.*

(1) Public housing. If a public housing tenant claims that the PHA has not correctly calculated the amount of imputed welfare income in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the tenant written notice of such denial, with a brief explanation of the basis for the PHA determination of the amount of imputed welfare income. The PHA notice shall also state that if the tenant does not agree with the PHA determination, the tenant may request a grievance hearing in accordance with part 966, subpart B of this title to review the PHA determination. The tenant is not required to pay an escrow deposit pursuant to Sec. 966.55(e) for the portion of tenant rent attributable to the imputed welfare income in order to obtain a grievance hearing on the PHA determination.

(2) Section 8 participant. A participant in the Section 8 tenant-based assistance program may request an informal hearing, in accordance with Sec. 982.555 of this title, to review the PHA determination of the amount of imputed welfare income that must be included in the family's annual income in accordance with this section. If the family claims that such amount is not correctly calculated in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the family written notice of such denial, with a brief explanation of the basis for the PHA determination of the amount

of imputed welfare income. Such notice shall also state that if the family does not agree with the PHA determination, the family may request an informal hearing on the determination under the PHA hearing procedure.

*(e) PHA relation with welfare agency.*

(1) The PHA must ask welfare agencies to inform the PHA of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the PHA written notice of such reduction, the family's annual incomes shall include the imputed welfare income because of the specified welfare benefits reduction.

(2) The PHA is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the PHA. However, the PHA is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.

(3) Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures. The PHA shall be entitled to rely on the welfare agency notice to the PHA of the welfare agency's determination of a specified welfare benefits reduction.

## **Chapter 7**

### **VERIFICATION**

[24 CFR 960.259, 24 CFR 5.230, Notice PIH 2023-27]

#### **INTRODUCTION**

The LACDA must verify all information that is used to establish the family's eligibility and level of assistance and is required to obtain written authorization from the family in order to collect the information. Applicants and program participants must cooperate with the verification process as a condition of receiving assistance. The LACDA must not pass on the cost of verification to the family.

The LACDA must follow the verification guidance provided by HUD in Notice PIH 2023-27 and any subsequent guidance issued by HUD. This chapter summarizes those requirements and provides supplementary LACDA policies.

Part I: General Verification Requirements. This part describes the general verification process.

Part II: Verifying Family Information. This part provides more detailed requirements related to family information.

Part III: Verifying Income and Assets. This part provides information on income and assets.

Part IV: Verifying Mandatory Deductions. This part covers mandatory deductions.

Verification policies, rules and procedures will be modified as needed to accommodate persons with disabilities. All information obtained through the verification process will be handled in accordance with the records management policies established by the LACDA.

## **PART I: GENERAL VERIFICATION REQUIREMENTS**

### **7-I.A. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 960.259; 24 CFR 5.230; and Notice PIH 2023-27]**

#### **Consent Forms**

The family must supply any information that the LACDA or HUD determines is necessary to the administration of the program and must consent to LACDA verification of that information [24 CFR 960.259(a)(1)]. All adult family members must sign consent forms as needed to collect information relevant to the family's eligibility and level of assistance. While LACDAs must use form HUD-9886-A, this form does not release all the information necessary to the administration of the program. The LACDA must also develop its own release forms to cover all other necessary information.

**Revocation of Consent Form (HUD-9886A):** The LACDA will deny admissions or terminate assistance due to the revocation of consent. The LACDA will afford the Head of Household (HOH) the opportunity to remove the family member who revokes the consent. If the family member revoking the consent is the HOH, the entire family will be denied admission or terminated.

**Form HUD-9886-A [24 CFR 5.230(b)(1), (b)(2), (c)(4), and (c)(5); Notice PIH 2023-27]**

All adult applicants and tenants must sign revised form **HUD-9886-A**, Authorization for Release of Information. All adult family members (and the head and spouse/cohead regardless of age) are required to sign the Form **HUD-9886-A** at admission. Participants, prior to January 1, 2024, signed and submitted Form HUD-9886-A at each annual reexamination. HOTMA eliminated this requirement and instead required that the Form **HUD-9886-A** *be signed only once*.

Effective January 1, 2024, current program participants must sign and submit a new Form **HUD-9886-A** at their next interim or annual reexamination. This form will only be signed once. Subsequent Form **HUD-9886-A** will not be submitted to the LACDA except under the following circumstances:

- When any person 18 years or older becomes a member of the family;
- When a current member of the family turns 18; or
- As required by HUD or the LACDA in administrative instructions.

The LACDA has the discretion to establish policies around when family members must sign consent forms when they turn 18. LACDAs must establish these policies stating when family members will be required to sign consent forms at intervals other than at reexamination.

**LACDA Policy**

Family members turning 18 years of age between annual recertifications will be notified in writing that they are required to sign the required Consent to the Release of Information Form HUD-9886-A at the family's next annual or interim reexamination, whichever is earlier.

The purpose of form HUD-9886-A is to facilitate automated data collection and computer matching from specific sources and provides the family's consent only for the specific purposes listed on the form. HUD and the LACDA may collect information from State Wage Information Collection Agencies (SWICAs) and current and former employers of adult family members. Only HUD is authorized to collect information directly from the Internal Revenue Service (IRS) and the Social Security Administration (SSA).

The LACDA may obtain any financial record from any financial institution, as the terms financial record and financial institution are defined in the Right to Financial Privacy Act ([12 U.S.C. 3401](#)), whenever the LACDA determines the record is needed to determine an applicant's or participant's eligibility for assistance or level of benefits [24 CFR 5.230(c)(4)].

The executed form will remain effective until the family is denied assistance, assistance is terminated, or the family provides written notification to the LACDA to revoke consent.

### **Penalties for Failing to Consent [24 CFR 5.232]**

If any family member who is required to sign a consent form fails to do so, the LACDA must deny admission to applicants and terminate the lease of tenants [24 CFR 5.232(a)]. The family may request a hearing in accordance with the LACDA's grievance procedures.

However, this does not apply if the applicant, participant, or any member of their family, revokes their consent with respect to the ability of the LACDA to access financial records from financial institutions, unless the LACDA establishes a policy that revocation of consent to access financial records will result in denial or termination of assistance or admission [24 CFR 5.232(c)]. LACDAs may not process interim or annual reexaminations of income without the family's executed consent forms.

#### LACDA Policy

In order for a family or family member(s) to revoke their consent, they must provide written notice to the LACDA. The LACDA will deny admissions or terminate assistance due to the revocation of consent. The LACDA will afford the Head of Household (HOH) the opportunity to remove the family member who revokes the consent. If the family member revoking the consent is the HOH, the entire family will be denied admission or terminated.

Within 10 business days of the date the family provides written notice, the LACDA will send the family a notice acknowledging receipt of the request and explaining that revocation of consent will result in denial or termination of assistance, as applicable. At the same time, the LACDA will notify the local HUD office.

**Revocation of Consent Form (HUD-9886A):** The LACDA will deny admissions or terminate assistance due to the revocation of consent. The LACDA will afford the Head of Household (HOH) the opportunity to remove the family member who revokes the consent. If the family member revoking the consent is the HOH, the entire family will be denied admission or terminated.

**7-I.B. USE OF OTHER PROGRAMS' INCOME DETERMINATIONS (SAFE HARBOR)  
[24 CFR 5.609(c)(3) and Notice PIH 2023-27]**

The LACDA elected to adopt HUD's "Safe Harbor" discretionary policy and **will accept** and use determinations of income from the federal means-tested forms of assistance listed below when all documentation requirements below are satisfied. The LACDA will accept and use determinations of income from the federal means-tested forms of assistance listed above during New Admission/Move-Ins, Interim Reexamination, and the Annual Reexaminations. In situations where the family presents multiple verifications from the same or different acceptable Safe Harbor programs, the LACDA will accept the most recent, detailed, and comprehensive income determination provided.

**Means-tested federal public assistance programs include:**

- Temporary Assistance for Needy Families (TANF) (42 U.S.C. 601, et seq.);
- Medicaid (42 U.S.C. 1396 et seq.);
- Supplemental Nutrition Assistance Program (SNAP) (42 U.S.C. 2011 et seq.);
- Earned Income Tax Credit (EITC) (26 U.S.C. 32);
- Low-Income Housing Credit (LIHTC) program (26 U.S.C. 42);
- Special Supplemental Nutrition Program for Woman, Infants, and Children (WIC) (42 U.S.C. 1786);
- Supplemental Security Income (SSI) (42 U.S.C. 1381 et seq.);
- Other programs administered by the HUD Secretary;
- Other means-tested forms of federal public assistance for which HUD has established a memorandum of understanding; and
- Other federal benefit determinations made in other forms of means-tested federal public assistance that the Secretary determines to have comparable reliability and announces through the *Federal Register*.

The third-party verification **must** state the family size, must be for the entire family, and must state the amount of the family's annual income. The annual income need not be broken down by family member or income type. Annual income includes income earned from assets, therefore when using ***Safe Harbor*** to verify a family's income, LACDA will neither further inquire about a family's net family assets, nor about the income earned from those assets, except with respect to whether or not the family owns assets that exceed the asset limitation in 24 CFR 5.618. The ***Safe Harbor*** documentation will be considered acceptable if any of the following dates fall into the 12-month period prior to the receipt of the documentation by the LACDA and document includes:

- Income determination effective date;
- Program administrator's signature date;
- Family's signature date;
- Report effective date; or
- Other report-specific dates that verify the income determination date.

The only information that LACDA is permitted to use to determine income under this method is the total income determination made by the federal means-tested program administrator. Other federal programs may provide additional information about income inclusions and exclusions in their award letters; however, these determinations and any other information must not be considered by the LACDA for purposes of the HOTMA Safe Harbor provision.

LACDA is **not permitted** to mix and match Safe Harbor income determinations and other income verifications.

If the LACDA is unable to obtain ***Safe Harbor*** documentation or if the family disputes the other program's income determination, the LACDA must calculate the family's annual income using traditional methods as outlined in Notice PIH 2023-27 and this chapter.

If the LACDA uses a ***Safe Harbor*** determination to determine the family's income, the family is obligated to report changes in income that meet the LACDA's reporting requirement and occur after the effective date of the transaction.

The amounts of unreimbursed reasonable attendant care expenses and child-care expenses deducted from a family's annual income, except for when a family is approved for a child-care expense hardship exemption, must still be capped by the amount earned by any family member who is enabled to work as a result of the expense. LACDAs are therefore required to obtain third-party verification of the applicable employment income and cap the respective expense deductions accordingly.

#### LACDA Policy

The LACDA proposing to adopt the Safe Harbor discretionary policy. When available and applicable, the LACDA will accept other programs' Safe Harbor determinations of income at annual reexamination to determine the family's total annual income. The LACDA will still require third-party verification of all deductions such as the health and medical care expense or childcare expense deductions. Further, if the family is eligible for and claims the disability assistance expense or childcare expense deductions, where applicable, the LACDA will obtain third-party verification of the amount of employment income of the individual(s) enabled to work in order to cap the respective expenses as required.

Prior to using any Safe Harbor determination from another program, the LACDA will ask the family if they agree with the income amounts listed. If the family disputes the income amounts on the Safe Harbor determination, the LACDA will obtain third-party verification of all sources of income and assets (as applicable).

The LACDA will not accept other programs' determinations of income for any new admission or interim reexamination.

With the exception of income determinations made under the Low-Income Housing Tax Credit (LIHTC) program, the LACDA will accept Safe Harbor determinations from any of the programs listed above.

In order to be acceptable, the income determination must:

- Be dated within 12 months of the dates listed above;

- State the family size;

- Be for the entire family (i.e., the family members listed in the documentation must match the family's composition in the assisted unit, except for household members); and

- Must state the amount of the family's annual income.

The determination need not list each source of income individually. If the LACDA does not receive any acceptable income determination documentation or is unable to obtain documentation, then the LACDA will revert to third-party verification of income for the family.

When families present multiple verifications from the same or different acceptable Safe Harbor programs, the LACDA will use the most recent income determination, unless the family presents acceptable evidence that the LACDA should consider an alternative verification from a different Safe Harbor source.

When the LACDA uses a Safe Harbor income determination from another program, and the family's income subsequently changes, the family is required to report the change to the LACDA. Depending on when the change occurred, the change may or may not impact the LACDA's calculation of the family's total annual income. Changes that occur between the time the LACDA receives the Safe Harbor documentation, and the effective date of the family's annual reexam will not be considered. If the family has a change in income that occurs after the annual reexam effective date, the LACDA will conduct an interim reexam if the change meets the requirements for performing an interim reexamination as outlined in Chapter 9. In this case, the LACDA will use third-party verification to verify the change.

**7-I.C. STREAMLINED INCOME DETERMINATIONS [24 CFR 960.257(c); Notice PIH 2023-27]**

HUD permits PHAs to streamline the income determination process for family members with fixed sources of income. While third-party verification of all income sources must be obtained during the intake process and every three years thereafter, in the intervening years, the LACDA may determine income from fixed sources by applying a verified cost of living adjustment (COLA) or other inflationary adjustment factor. Streamlining policies are optional. The LACDA may, however, obtain third-party verification of all income, regardless of the source. Further, upon request of the family, the LACDA must perform third-party verification of all income sources.

Fixed sources of income include Social Security (SS) and Supplemental Security Income (SSI) benefits, public and private pensions, annuities, disability or death benefits, and other sources of income subject to a COLA or rate of interest. The determination of fixed income may be streamlined even if the family also receives income from other non-fixed sources.

Two streamlining options are available, depending upon the percentage of the family's income that is received from fixed sources.

When 90 percent or more of a family's unadjusted income is from fixed sources, the LACDA may apply the inflationary adjustment factor to the family's fixed-income sources, provided that the family certifies both that 90 percent or more of their unadjusted income is fixed and that their sources of fixed income have not changed from the previous year. Sources of non-fixed income are not required to be adjusted and must not be adjusted by a COLA, but LACDAs may choose to adjust sources of non-fixed income based on third-party verification. LACDAs have the discretion to either adjust the non-fixed income or carry over the calculation of non-fixed income from the first year to years two and three.

### LACDA Policy

At least 90 percent of the household's annual income must be from fixed income source to be eligible for the Streamline Annual Recertification (SAR). If 90 percent or more of a family's unadjusted income is from fixed income sources:

Fixed Income families will receive the SAR packet during subsequent years of the streamline process and will receive the full annual recertification packet at least once every three (3) year thereafter. The LACDA will document in the file how the determination is made that a source of income is fixed income.

The LACDA will streamline the annual reexamination process by applying the verified COLA or rate of interest to fixed-income sources.

The family will be required to sign a self-certification stating that 90 percent or more of their unadjusted income is fixed income and that their sources of fixed income have not changed from the previous year.

Third-party verification of non-fixed income will be obtained annually regardless of the percentage of family income received from fixed sources.

If the family's sources of fixed income have changed from the previous year, the LACDA will obtain third-party verification of any new sources of fixed income.

In the following circumstances, regardless of the percentage of income received from fixed sources, the LACDA will obtain third-party verification as outlined in Notice PIH 2023-27 and Chapter 7 of this policy:

Of all assets when net family assets exceed \$50,000;

Of all deductions and allowances from annual income;

If a family member with a fixed source of income is added;

If verification of the COLA or rate of interest is not available; and

During the admission process and at least once every three (3) years thereafter.

### **7-I.D. VERIFICATION HIERARCHY [Notice PIH 2023-27]**

When the LACDA does not use a streamlined determination of income, HUD requires the LACDA to obtain third-party verification of:

- Reported family annual income;
- The value of net family assets when the net value exceeds \$50,000 (as adjusted annually);
- Expenses related to deductions from annual income; and
- Other factors that affect the determination of adjusted income.

HUD mandates the use of the EIV system and offers administrative guidance on the use of other methods to verify family information and specifies the circumstances in which each method will be used. In general, HUD requires the LACDA to use the most reliable form of verification that is available and to document the reasons when the LACDA uses a lesser form of verification.

HUD developed a hierarchy that described verification documentation from most acceptable to least acceptable. The LACDA must demonstrate efforts to obtain third party verification prior to accepting self-certification except instances when self-certification is explicitly allowed.

In order of priority, the hierarchy is:

Level Six (6):	(Highest) Up-front Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system.
Level Five (5):	(Highest) Up-front Income Verification (UIV) using a non-EIV system
Level Four (4):	(High) Written third-party verification from the source plus EIV
Level Three (3):	(Medium) Written third-party verification form
Level Two (2):	(Low) Oral third-party verification
Level One (1):	(Low) Self-certification (not third-party verification)

Each of the verification methods is discussed in subsequent sections below.

#### **File Documentation**

The LACDA must document in the file how the figures used in income and rent calculations were determined. All verification attempts, information obtained, and decisions reached during the verification process will be recorded in the family's file in sufficient detail to demonstrate that the LACDA has followed all of the verification policies set forth in this ACOP. The record should be sufficient to enable a staff member or HUD reviewer to understand the process followed and conclusions reached.

#### LACDA Policy

At all times, should the LACDA not obtain Levels 6, 5, 4, 3 or 2 of the verification hierarchy, the LACDA staff must document why such verifications at each level were not obtained and the verification method utilized to substantiate the information.

All tenant-provided documents are current if dated within 60 days of the date of receipt. However, verifications for applicants may not be more than 60 days old at the time of the unit offer.

### **7-I.E. LEVEL 5 AND 6 VERIFICATION: UP-FRONT INCOME VERIFICATION (UIV)**

Up-front income verification (UIV) refers to the LACDA's use of the verification tools available from independent sources that maintain computerized information about earnings and benefits for a number of individuals. LACDAs may use UIV sources before or during a family reexamination.

UIV will be used to the extent that these systems are available to the LACDA.

There may be legitimate differences between the information provided by the family and UIV-generated information. If the family disputes the accuracy of UIV data, no adverse action can be taken until the LACDA has independently verified the UIV information, and the family has been granted the opportunity to contest any adverse findings through the LACDA's informal review/hearing processes.

### **Upfront Income Verification Using HUD's Enterprise Income Verification (EIV) System**

LACDAs must use HUD's EIV system in its entirety as a third-party source to verify tenant employment and income information during annual and streamlined reexaminations of family composition and income in accordance with 24 CFR 5.236 and Notice PIH 2023-27.

HUD's EIV system contains data showing earned income, unemployment benefits, social security benefits, and SSI benefits for participant families.

The income validation tool (IVT) in EIV provides projections of discrepant income for wages, unemployment compensation, and SSA benefits pursuant to HUD's data sharing agreements with other departments.

The following policies apply to the use of HUD's EIV system.

#### ***EIV Income and IVT Reports***

LADCA is required to obtain an EIV Income and IVT report for each family any time the LACDA conducts an annual reexamination.

The EIV Income and IVT Reports are not available for program applicants at admission.

When required to use the EIV Income Report, in order for the report to be considered current, the LACDA must pull the report within 120 days of the effective date of the annual or interim reexamination.

The EIV Income Report may be used to verify and calculate income at annual reexamination if the family self-certifies that the amount is accurate and representative of current income. The family must be provided with the information in EIV.

#### LACDA Policy

The LACDA will obtain EIV Income and IVT reports for all annual reexaminations for all families on a monthly basis. Reports will be generated as part of the regular reexamination process. The LACDA will ensure that all EIV Income Reports are pulled within 120 days of the effective date of the annual or interim reexamination.

Income and IVT reports will be retained in resident files with the applicable annual documents or interim reexamination documents for the duration of tenancy. When the LACDA determines through EIV reports and third-party verification that a family has concealed or under-reported income, corrective action will be taken pursuant to the policies in Chapter 15, Program Integrity.

#### ***New Hires Report [Notice PIH 2023-27]***

The New Hires Report identifies participant families who have new employment within the last six months. The report is updated monthly.

LACDA must review this information at annual reexamination.

LACDAs that do not require families to undergo interim reexaminations for earned income increases after an interim decrease are not required to review this report between a family's annual reexamination. If the LACDA requires an interim for increases in earned income after an interim decrease, then the LACDA must review the report quarterly after the family's interim decrease.

#### LACDA Policy

In accordance with LACDA policies in Chapter 9, the LACDA does not process interim reexaminations for families who have increases in earned income. Except for instances in which the LACDA uses Safe Harbor income determinations to determine a family's annual income, the LACDA will only review the New Hires Report at annual reexamination.

### ***Income Validation Tool (IVT) Report***

HUD requires that the LACDA use the IVT tool to identify participants who passed the SSA identity test, but income (i.e., wages, SSI/SS Benefits, Unemployment Benefits) or no income information reported by either U.S. Department of Human and Health Services (HHS) or SSA records. This scenario does not mean that the resident does not have any income. For example, residents may other income not verifiable through EIV (i.e., TANF, General Relieve, Gig Income, etc.). LACDA obtains written, third-party verification of any income reported by the resident. The LACDA identified in its policies and procedures when this report will be pulled [Notice PIH 2023-27].

#### **LACDA Policy**

The LACDA will generate the EIV Household Report quarterly to determine if income has been reported by *HHS or SSA Report* quarterly and will retain the report in a secured (locked) designated location at each of the management offices.

The LACDA will re-verify the status of residents identified on the report quarterly. Based on the information provided by the family and in EIV, the LACDA will require that family members provide verifications or sign release forms in order to obtain additional verification.

When the LACDA determines through this report and third-party verification that a family has concealed or under-reported income, corrective action will be taken pursuant to the policies in Chapter 15, Program Integrity

### ***EIV Identity Verification Report***

The EIV system verifies resident identities against Social Security Administration (SSA) records. These records are compared to HUD data for a match on social security number, name, and date of birth.

LACDAs are required to use EIV's *Identity Verification Report* on a monthly basis to improve the availability of income information in EIV [Notice PIH 2023-27].

When identity verification for a resident fails, a message will be displayed within the EIV system, and no income information will be displayed.

#### **LACDA Policy**

The LACDA will identify residents whose identity verification has failed by reviewing EIV's *Identity Verification Report* on a monthly basis.

The LACDA will attempt to resolve discrepancies by obtaining appropriate documentation from the tenant. When the LACDA determines that discrepancies exist as a result of LACDA errors, such as spelling errors or incorrect birth dates, it will correct the errors promptly.

In order to prevent program abuse, the LACDA will require applicants to furnish verification of legal identity for all family members. If a document submitted by a family is illegible or otherwise questionable, more than one of the acceptable documents may be required

***Deceased Tenants Reports [Notice PIH 2012-4 and Notice PIH 2023-27]***

The Deceased Tenant Report identifies residents that have been reported by the SSA as deceased. The LACDA is required to review the report at least quarterly.

**LACDA Policy**

The LACDA will review the Deceased Tenants Report on a monthly basis.

When the Deceased Tenants Report identifies an individual as being deceased, PHAs must immediately send a letter to the head of household or emergency contact person (if the head of household is deceased and there is no other adult household member) to confirm the death of the listed household member. The LACDA must conduct a home visit to determine if anyone is residing in the unit.

PHAs are required to list the move-out date for the family as of the date on which the family or designee of the deceased tenant's estate returned the keys and signed a vacate notice; the date the public housing lease was terminated; or the date the LACDA legally regained possession of the unit, whichever occurs first.

When the only remaining household member is the live-in aide, the live-in aide is not entitled or eligible for continued occupancy. The LACDA may not designate the live-in aide as the new head of household or change the relation code on the Form HUD-50058.

***Other EIV Reports [Notice PIH 2023-27]***

The LACDA is required to review the Multiple Subsidy Report at least quarterly and the Failed EIV Pre-Screening and Failed Verification (Failed SSA Identity Test) reports at least monthly.

**Upfront Income Verification Using Non-HUD Systems**

HUD encourages LACDAs to utilize other upfront verification sources such as the Work Number and web-based state benefits systems.

**LACDA Policy**

The LACDA will utilize up-front income verification tools. The use of the EIV system is mandatory and will be used whenever possible. Other UIV systems, such as the DPSS LEADER system for the verification of DPSS benefits and the Work Number, will be used whenever possible when EIV is unavailable.

If there is a difference in source of income or a substantial difference in reported income between EIV verification and family-provided documents and the tenant disputes the discrepancy or cannot provide adequate documentation to validate the discrepancy, the LACDA shall follow the guidelines below:

The LACDA will send written third-party verification forms directly to the disputed income source.

The LACDA may review historical income data for patterns of employment, paid benefits, and/or receipt of other income, when the LACDA cannot readily anticipate income, such as in the cases of seasonal employment, unstable working hours, and suspected fraud.

The LACDA will analyze all data (UIV data, third party verification documents provided by the family and verification forms returned by the disputed income source) and attempt to resolve the income discrepancy.

The LACDA will use the most current information available to calculate the anticipated annual income.

In cases where UIV income data is different than tenant-reported income and the tenant does not dispute the discrepancy and can provide adequate documentation to validate the discrepancy, the LACDA will use the written third-party documents provided by the family to calculate the anticipated annual income.

## **7-I.F. LEVEL 4 VERIFICATION [Notice PIH 2023-27]**

HUD identifies two types of Level 4 verification: written-third party verification from the source and EIV + self-certification.

### **EIV + Self-Certification**

EIV may be used as written third-party verification and may be used to calculate income if the family agrees with the information in EIV and self-certifies that the amount is accurate and representative of current income. This practice is known as *EIV + self-certification*. When calculating income using this method, the LACDA may use its discretion to determine which method of calculation is reasonable: the last four quarters combined or an average of any number of quarters. The family must be provided with the information from EIV.

#### LACDA Policy

At annual reexamination, if there are no reported changes to an income source, the LACDA will use EIV + self-certification as verification of employment income, provided the family agrees with the amounts listed in EIV.

The LACDA will use an average of the last two quarters of income listed in EIV to determine income from employment. The LACDA will provide the family with the information in EIV. The family will be required to sign a self-certification stating that the amount listed in EIV is accurate and representative of current income. If the family disagrees with the amount in EIV, the amount is not reflective of current income, or if less than two quarters are available in EIV, the LACDA will use written third-party verification from the source as outlined below.

The LACDA will not use this method of verification at new admission since EIV is not available for applicant families or at interim reexamination since the income information in EIV is not current.

### **Written Third-Party Verification from the Source**

Written, third-party verification from the source is also known as “tenant-provided verification.” In order to qualify as written-third party verification from the source, the documents must be original or authentic and (generally) dated within 120 days of the date received by the LACDA. For fixed-income sources, a statement dated within the appropriate benefit year is acceptable documentation. Documents may be supplied by the family or received from a third-party source.

Examples of acceptable tenant-provided documents include, but are not limited to pay stubs, earning statements, payroll summary reports, employer notice or letters of hire and termination, SSA benefit verification letters, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices. Income tax returns with corresponding official tax forms and schedules (IRS Form 1040, including: Schedule C (Small Business), Schedule E (Rental Property Income), or Schedule F (Farm Income)) attached and including third-party receipt of transmission for income tax return filed (i.e., tax preparer’s transmittal receipt, summary of transmittal from online source, etc.) are an acceptable form of written, third-party verification.

The LACDA is required to obtain, at minimum, **two (2)** current and consecutive pay stubs when calculating income using third-party verification from the source. For new income sources or when two (2) pay stubs are not available, the LACDA will project income based on the information from traditional written third-party verification form or other acceptable verification method.

When the family disputes EIV-reported employment income, the LACDA uses written third-party verification.

When verification of assets is required, LACDA will require family to provide a minimum of one (1) current bank statement that reflects the current balance of banking/financial accounts. Refer to assets equal to or under \$50,000 for asset verification requirements.

#### LACDA Policy

In general, the LACDA will use third-party verification from the source in the following circumstances:

- At annual reexamination when EIV + self-certification is not used;
- For all new admissions; and
- For all interim reexaminations.

The LACDA will not use this method if the LACDA uses EIV + self-certification as outlined above.

In general, third-party documents provided by the family or the source must be dated within 120 days of the date received by the LACDA. However, for fixed-income sources, a statement dated within the appropriate benefit year is acceptable documentation.

The LACDA may reject documentation provided by the family if the document is not an original, if the document appears to be forged, or if the document is altered, mutilated, or illegible. If the LACDA determines that third-party documents provided by the family are not acceptable, the LACDA will explain the reason to the family and request additional documentation from the family or will use a lower form of verification such as a written third-party verification form.

When verification of assets held by a banking or financial institution is required, the LACDA will obtain one (1) statement that reflects the current balance of the account.

When pay stubs are used, the LACDA will require the family to provide the two (2) most current, consecutive pay stubs. At the LACDA's discretion, if additional paystubs are needed due to the family's circumstances (e.g., sporadic income, fluctuating schedule, etc.), the LACDA may request additional paystubs or a payroll record.

### **7-I.G. LEVEL 3 VERIFICATION: WRITTEN, THIRD-PARTY FORM** **[Notice PIH 2023-27]**

This type of verification is a form developed by the LACDA and used uniformly for all families when needed to collect information from a third-party source. This is known as “traditional third-party verification.” The LACDA will send a LACDA-developed form directly to the third-party source by mail, fax, or email and the source completes the form by hand (in writing or typeset).

The LACDA may use this method when higher forms are unavailable or are rejected by the LACDA or when the family is unable to provide acceptable verification.

#### LACDA Policy

Typically, the LACDA will attempt to send written third-party verification forms to the verification source whenever higher forms of verification are unavailable.

The LACDA will send verification forms directly to third party sources when:

- There is a difference in source of income or a substantial difference in reported income between EIV verification and family-provided documents;

- There is a discrepancy between EIV/UIV, and tenant-reported income and the tenant disputes the information in EIV;

- Tenant disputes the discrepancy or cannot provide adequate documentation to validate the discrepancy;

- If the tenant provided documents are unacceptable by the LACDA (i.e., altered, mutilated, or is not legible); or

- Verification levels six through four are unavailable.

LACDA staff must document the date the verification forms were sent (i.e., mailed/fax) directly to the third party and date received by the LACDA. The third-party verification form must include a copy of the valid and signed form HUD- 9886-A, Authorization for Release of Information.

## **7-I.H. LEVEL 2: ORAL THIRD-PARTY VERIFICATION [Notice PIH 2023-27]**

For third-party oral verification, PHAs contact sources, identified by UIV techniques or by the family, by telephone or in person.

Third-party oral verification may be used when requests for written third-party verification forms have not been returned within a reasonable time—e.g., 10 business days.

PHAs must document in the file the date and time of the telephone call or visit, the name of the person contacted, the telephone number, as well as the information confirmed.

### **LACDA Policy**

In general, the LACDA will attempt to obtain written third-party verification via a form from the verification source. If written third-party verification forms are not returned within 10 business days, or established due date, the LACDA will attempt to obtain oral third-party verification, the LACDA will document in the file the date and time of the telephone call or visit, the name of the person contacted and the telephone number, as well as the information confirmed.

The County of Los Angeles Child Support Services Department no longer responds to written or oral third-party verification requests by the LACDA.

### ***Primary Documents***

Third-party verification is not required when legal documents are the primary source, such as a birth certificate or other legal documentation of birth.

### **7-I.I. LEVEL 1: NON-THIRD-PARTY VERIFICATION TECHNIQUE: SELF-CERTIFICATION [Notice PIH 2023-27]**

Non-third-party verification consists of a signed statement of reported income and/or expenses. This verification method should be used as a last resort when the LACDA has not been successful in obtaining information via all other required verification techniques.

Self-certification, however, is an acceptable form of verification when:

- A source of income is fully excluded;
- Net family assets is equal or less than \$50,000 or less. However, the LACDA will request at least one (1) current bank statement from the household every three (3) years when verifying assets.
- The family declares that they do not have any present ownership in any real property;
- A family states that they have non-recurring income that will not be repeated in the coming year; and/or
- The LACDA has adopted a policy to implement streamlined annual recertifications for fixed sources of income.

When the LACDA was required to obtain third-party verification but instead relies on self-certification, the family's file must be documented to explain why third-party verification was not available.

HUD does not require that a self-certification be notarized; however, HUD recommends including language on any self-certification to ensure the certifier understands the consequences of knowingly providing false information.

#### LACDA Policy

When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to the LACDA.

The LACDA may require a family to certify under penalty of perjury that a family member does not receive a particular type of income or benefit.

## PART II: VERIFYING FAMILY INFORMATION

### 7-II.A. VERIFICATION OF LEGAL IDENTITY

#### LACDA Policy

The LACDA will require families to furnish verification of legal identity for each household member.

Verification of Legal Identity for Adults	Verification of Legal Identity for Children
Certificate of Birth, Naturalization Documents Current, Valid Driver's License or Department of Motor Vehicle Identification Card U.S. Military Discharge (DD 214) Current U.S. Passport Foreign Consulate Identification Cards (FCICs) approved by the Los Angeles County Board of Supervisors for the purpose of verifying identity	Certificate of Birth Adoption Papers Custody Agreement Health and Human Services ID Certified School Records

If a document submitted by a family is illegible for any reason or otherwise questionable, more than one of these documents may be required.

Legal identity will be verified for all applicants at the time of eligibility determination and in cases where the LACDA has reason to doubt the identity of a person representing themselves to be a tenant or a member of a tenant family.

## **7-II.B. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and Notice PIH 2023-27]**

The family must provide documentation of a valid Social Security number (SSN) for each member of the household, with the exception of individuals who do not contend eligible immigration status. Exemptions also include existing residents who were at least 62 years of age as of January 31, 2010, and had not previously disclosed an SSN.

The LACDA will accept the following documentation as acceptable evidence of the social security number:

- An original SSN card issued by the Social Security Administration (SSA).
- An original SSA-issued document, which contains the name and SSN of the individual.

### LACDA Policy

The LACDA may only reject documentation of a SSN provided by an applicant or resident if the document is not an original document, if the original document has been altered, mutilated, is illegible, or if the document appears to be forged.

The LACDA will explain to the applicant or resident the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to the LACDA within 90 days.

If an **applicant** family includes a child under six (6) years of age who joined the household within the six (6) months prior to the date of program admission, an otherwise eligible family may be admitted and must provide documentation of the child's SSN within 90 days. However, the parent or guardian will be required to sign a form attesting that the child was never issued an SSN. An additional 90-day extension may be granted if the LACDA determines that the resident's failure to comply was due to unforeseen circumstances and was outside of the resident's control, such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency.

When a resident requests to add a new household member who is at least six (6) years of age, or who is under the age of six (6) and has an SSN, the resident must provide the complete and accurate SSN assigned to each new member at the time of reexamination or recertification, in addition to the documentation required to verify it. The LACDA may not add the new household member until such documentation is provided.

When a resident requests to add a new household member who is under the age of six (6) and has not been assigned an SSN, the resident must provide the SSN assigned to each new child and the required documentation within 90 calendar days of the child being added to the household. A 90-day extension may be granted if the LACDA determines that the resident's failure to comply was due to unforeseen circumstances and was outside of the resident's control, such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency. During the period the LACDA is awaiting documentation of the SSN, the child will be counted as part of the assisted household.

Social security numbers must be verified only once during continuously assisted occupancy and a copy will be retained in the resident's file.

### **7-II.C. DOCUMENTATION OF AGE**

A birth certificate or other official record of birth will be required as a form of age verification for all family members.

#### LACDA Policy

If an official record of birth or evidence of social security retirement benefits cannot be provided, the LACDA will require the family to submit other documents that support the reported age of the family member (e.g., matricula, passport, valid driver's license, DD214).

### **7-II.D. FAMILY RELATIONSHIPS**

Applicants and residents are required to identify the relationship of each household member to the head of household. Definitions of the primary household relationships are provided in the Eligibility chapter.

#### LACDA Policy

Certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide verification.

The following verifications will be required if certification is insufficient:

Verification of relationship:

- Official identification showing names

- Birth certificates

Verification of guardianship:

- Court-ordered assignment

- Affidavit of parent

- Verification from social services agency

- School records

Evidence of an established family relationship:

- Joint bank accounts or other shared financial transactions

- Leases or other evidence of prior cohabitation

- Credit reports showing relationship

## **Marriage Status**

### LACDA Policy

Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer.

Verification of a separation may be a copy of court-ordered maintenance or other records.

Verification of marriage status is a marriage or domestic partnership certificate.

## **Absence of Adult Member**

### LACDA Policy

If an adult member who was formerly a member of the household is reported permanently absent by the family or the LACDA has information a member is no longer in the household and not yet reported, the LACDA will consider any of the following as verification:

Husband or wife institutes divorce action

Husband or wife institutes legal separation.

Order of protection/restraining order obtained by one family member against another.

Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement, if available.

Statements from other agencies such as social services that the adult family member is no longer living at that location.

If the adult family member is incarcerated, a document from the Court or prison should be obtained stating how long they will be incarcerated.

If the adult family member is permanently confined to a nursing home, verification is required from the nursing home.

## **Verification of Change in Family Composition**

The LACDA may verify changes in family composition (either reported or unreported) through letters, telephone calls, leases, utility records, inspections, landlords, neighbors, credit data, school or Department of Motor Vehicle (DMV) records, and other sources. Verification of legal custody must be a court-ordered assignment or verification from a social service agency.

## **Foster Children and Foster Adults**

### LACDA Policy

Third-party verification from the State or local government agency responsible for the placement of the individual with the family is required.

## **7-II.E. VERIFICATION OF STUDENT STATUS**

### **LACDA Policy**

The LACDA requires families to provide information about the student status of all full-time students who are 18 years of age or older. This information will be verified only if:

The family claims full-time student status for an adult other than the head, spouse, or cohead, or

The family claims a childcare deduction to enable a family member to further their education.

## **7-II.F. DOCUMENTATION OF DISABILITY**

Effective July 1, 2023, the LACDA will first attempt to obtain information about disability benefits through HUD's EIV system for family members claiming disability and who are receiving disability benefits from the SSA. If documentation from HUD's EIV System is not available, the LACDA will request a current SSA benefit verification letter (dated within the last 60 days) from each family member claiming disability status. If the family is unable to provide the document(s), the LACDA will ask the family to either submit a complete verification of disability (VOD) form or request a benefit verification letter by either calling the SSA at 1-800-772-1213, or by requesting it from [www.ssa.gov](http://www.ssa.gov). Once the applicant or participant receives the benefit verification letter or VOD form, they will be required to provide it to the LACDA.

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7) or verified by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehabilitation specialist, licensed social worker, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may also provide verification of a disability, using the HUD language as the verification format.

### **Family Members Not Receiving SSA Disability Benefits**

Receipt of veteran's disability benefits, worker's compensation, or other non-SSA benefits based on the individual's claimed disability are not sufficient verification that the individual meets HUD's definition of disability in 24 CFR 5.403, necessary to qualify for waiting list preferences or certain income disallowances and deductions.

#### LACDA Policy

For family members claiming disability who do not receive SSI or other disability payments from the SSA, a knowledgeable professional must provide third-party verification that the family member meets the HUD definition of disability. The LACDA will provide the family member with a Verification of Disability (VOD). The knowledgeable professional must verify whether the family member does or does not meet the HUD definition. See the Eligibility chapter for the HUD definition of disability.

## **7-II.G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5.508]**

### **Overview**

Housing assistance is not available to persons who are not citizens, nationals, or eligible immigrants. Prorated assistance is provided for "mixed families" containing both eligible and ineligible persons. See the Eligibility chapter for detailed discussion of eligibility requirements. This chapter (7) discusses HUD and LACDA verification requirements related to citizenship status.

The family must provide a certification that identifies each family member as a U.S. citizen, a U.S. national, an eligible noncitizen or an ineligible noncitizen and submit the documents discussed below for each family member. Once eligibility to receive assistance has been verified for an individual it need not be collected or verified again during continuously-assisted occupancy [24 CFR 5.508(g)(5)], unless the proof of temporary residency has expired.

### **U.S. Citizens and Nationals**

HUD requires a declaration for each family member who claims to be a U.S. citizen or national. The declaration must be signed personally by any family member 18 or older and by a guardian for minors.

The LACDA may request verification of the declaration by requiring presentation of a birth certificate, United States passport or other appropriate documentation.

#### **LACDA Policy**

Citizens or Nationals of the U.S. are required to sign a declaration under penalty of perjury. In addition, the family will be required to provide documentation to verify eligible status, such as: U.S. Birth Certificate, U.S. Passport, Certification of Naturalization, or required documentation to verify declared status.

### **Eligible Immigrants**

#### ***Documents Required***

All family members claiming eligible immigration status must declare their status in the same manner as U.S. citizens and nationals.

The documentation required for eligible noncitizens varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, age, and the date on which the family began receiving HUD-funded assistance. Exhibit 7-1 at the end of this chapter summarizes documents family members must provide.

#### ***LACDA Verification*** [HCV GB, pp 5-3 and 5-7]

For family members age 62 or older who claim to be eligible immigrants, proof of age is required in the manner described in 7-II.C. of this ACOP. No further verification of eligible immigration status is required.

For family members under the age of 62 who claim to be eligible immigrants, the LACDA must verify immigration status with the U.S. Citizenship and Immigration Services (USCIS).

The LACDA will follow all USCIS protocols for verification of eligible immigration status.

### **Non-Citizens with Eligible Immigration Status**

Member must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The LACDA verifies the status through the USCIS Systematic Alien Verification for Entitlements (SAVE) system. If this primary verification fails to verify status, the LACDA must request within ten (10) days that the USCIS conduct a manual search.

Family members who do not claim to be citizens or eligible immigrants must be listed on

a statement of non-contending family members signed by the head of household/co-head and/or spouse/marital-type partner.

### **Non-Citizen Students on Student Visas:**

Non-Citizen students are ineligible members even though they are in the country lawfully. They must provide their student visa, but their status will not be verified, and they do not sign a declaration but are listed on the statement of non-contending members.

### **Failure to Provide**

If an applicant or resident family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member and the tenant's rent portion will be prorated. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

### **Time of Verification**

For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination. For family members added after other members have been verified, the verification occurs prior to the new member moving in. Once verification has been completed for any covered program, it need not be repeated. The LACDA will also request new immigration documents for those individuals whose immigration documents that prove eligibility has expired.

**Extensions of Time to Provide Documents.** The LACDA will grant an extension of 30 days for families to submit evidence of eligible immigrant status, or a receipt issued by the USCIS for issuance of replacement documents.

**Acceptable Documents of Eligible Immigration.** The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

Resident Alien Card (I-551)

Alien Registration Receipt Card (I-151)

Foreign Passport with I-551 stamp

Arrival-Departure Record (I-94) with no annotation accompanied by:

A final court decision granting asylum (if no appeal is taken);

A letter from an INS or USCIS asylum officer granting asylum (if application is filed on or after 10/1990) or from and INS director granting asylum (application filed before 10/1990);

A court decision granting withholding of deportation; or

A letter from an asylum officer granting withholding of deportation (if application filed on or after 10/1/90)

Arrival-Departure Record (I-94) stamped with one of the following:

“Admitted as a Refugee Pursuant to Section 207”

“Section 208” or “Asylum”

“Section 243(h)” or “Deportation stayed by Attorney General”

“Paroled Pursuant to Section 221(d)(5) of the INS (or USCIS)” Temporary Resident Card (I-688) annotated “Section 245A” or Section “210”

Employment Authorization Card (I-688B) annotated “Provision of Law 274a.12(11)” or “Provision of Law 274a.12”

Any official revision of the acceptable documents listed above

Receipt issued by the USCIS for issuance of replacement of any of the above documents that shows individual’s entitlement has been verified.

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status will be maintained in the resident file.

## **7-II.H. VERIFICATION OF PREFERENCE STATUS**

The LACDA must verify any preferences claimed by an applicant that determined their placement on the waiting list.

### LACDA Policy

#### **Local Preferences**

1. Homeless families: To qualify for this preference, homeless families must be referred by a Joint Powers Authority (JPA), County agencies or Community Based Organizations (CBOs) with a contract or Memorandum of Understanding (MOU) in place with the LACDA. Additionally, the LACDA will require partner agencies to use a Coordinated Access System for homeless referrals. The referring agency must provide a certification of the family’s homeless status.

2. Residency preference: For families who live, work or have been hired to work in the jurisdiction of the LACDA.

In order to verify that an applicant is a resident in the jurisdiction of the LACDA, the LACDA will require any of the following documents: current rent receipts, leases, utility bills, employer or agency records, school records, driver's licenses, voters registration records, credit reports, statement from household with whom the family is residing. At the LACDA's discretion, verification of residency may also include other documents, certifications, or declarations as needed to verify that a family lives or works in the jurisdiction.

3. Veteran's preference: This preference is available to current members of the U.S. Armed Forces, veterans, or surviving spouses/marital-type partners of veterans. Acceptable documentation regarding veteran's status will include a DD-214 (discharge documents), proof of receipt of veteran's benefits, or documentation from the Veteran's Administration.

### **PART III: VERIFYING INCOME AND ASSETS**

Chapter 6 of this ACOP describes in detail the types of income that are included and excluded and how assets and income from assets are handled. Any income reported by the family must be verified. This part provides LACDA policies that supplement the general verification procedures specified in Part I of this chapter.

#### LACDA Policy

The following policies do not apply when the LACDA uses a safe harbor income determination from a means-tested federal assistance program.

#### **7-III.A. EARNED INCOME**

##### **Tips/Bonuses/Commission**

#### LACDA Policy

Unless tip, bonuses, or commissions income is included in a family member's W-2 by the employer or in UIV verification sources, persons who work in industries where tips, bonuses, or commissions are standard will be required to sign a certified statement under penalty of perjury an estimate of tips, bonuses, or commissions received for the prior year or tips anticipated to be received in the coming year.

##### **Wages**

#### LACDA Policy

When the LACDA requires third-party verification of wages, for wages other than tips, the family must provide originals of the two most current, consecutive pay stubs.

### **7-III.B. BUSINESS AND SELF EMPLOYMENT INCOME**

The LACDA must obtain written, third-party verification when the income type is not available in EIV. This includes income from self-employment.

#### LACDA Policy

Business owners and self-employed persons will be required to provide:

Income tax returns with corresponding official tax forms and schedules attached and including third-party receipt of transmission for income tax return filed (i.e., tax preparer's transmittal receipt, summary of transmittal from online source, etc.).

If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.

For self-employed individuals who claim they do not have to file tax returns, the LACDA will obtain a completed copy of IRS Form 4506-T to verify that no return has been filed.

For those employed in "gig employment" (i.e., those in formal agreements with on-demand companies such as Uber, Lyft, or Door Dash), the LACDA will provide a format for the individual to declare their income and expenses. The LACDA will also review the printed statement of monthly income from the applicable app for all hours worked and pay received as well as Schedule C of the individual's tax return and the corresponding IRS Form 1099 or 1099k.

The LACDA will provide a format for any person who is unable to provide such a statement to record income and expenses for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify to its accuracy at all future reexaminations. At any reexamination the LACDA may request documents that support submitted financial statements such as manifests, appointment books, cash books, or bank statements.

If a family member has been self-employed less than three (3) months, the LACDA will accept the family member's certified estimate of income and schedule an interim reexamination in three (3) months. If the family member has been self-employed for three (3) to twelve (12) months, the LACDA will require the family to provide documentation of income and expenses for this period and use that information to project income.

### **7-III.C. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS**

For policies governing streamlined income determinations for fixed sources of income, please see Chapter 9.

#### **Social Security/SSI Benefits**

Verification requirements for Social Security (SS) and Supplemental Security Income (SSI) benefits differ for applicants and participants.

For applicants, since EIV does not contain SS or SSI benefit information, the LACDA must ask applicants to provide a copy of their current SS and/or SSI benefit letter (dated within the last 120 calendar days) for each family member that receives SS and/or SSI benefits. If the family is unable to provide the document or documents, the LACDA should help the applicant request a benefit verification letter from SSA's website at [www.ssa.gov](http://www.ssa.gov) or ask the family to request one by calling SSA at 1-800-772-1213. The LACDA must obtain the original benefit letter from the applicant, make a photocopy of the document for the file, and return the original to the family.

For participants, the LACDA must obtain information through the HUD EIV system and confirm with the participants that the current listed benefit amount is correct.

- If the participant agrees with the amount reported in EIV, the LACDA must use the EIV-reported gross benefit amount to calculate annual income from Social Security. LACDAs are required to use the EIV-reported SS and SSI benefit amounts when calculating income unless the tenant disputes the EIV-reported amount. For example, an SSA benefit letter may list the monthly benefit amount as \$450.80 and EIV displays the amount as \$450.00. The LACDA must use the EIV-reported amount unless the participant disputes the amount.
- If the participant disputes the EIV-reported benefit amount, or if benefit information is not available in EIV, the LACDA must request a current SSA benefit verification letter (dated within the last 120 calendar days) from each family member that receives SS and/or SSI benefits. If the family is unable to provide the document or documents, the LACDA should help the participant request a benefit verification letter from SSA's website at [www.ssa.gov](http://www.ssa.gov) or ask the family to request one by calling SSA at 1-800-772-1213. The LACDA must obtain the original benefit letter from the participant, make a photocopy of the document for the file, and return the original to the family.
- Photocopies of social security checks or bank statements are not acceptable forms of verification for SS/SSI benefits.

### **7-III.D. ALIMONY OR CHILD SUPPORT [Notice PIH 2023-27]**

Annual income includes “all amounts received,” not the amount that a family may be legally entitled to receive but which they do not receive. For example, a family’s child support or alimony income must be based on payments received, not the amounts to which the family is entitled by court or agency orders. A copy of a court order or other written payment agreement alone may not be sufficient verification of amounts received by a family.

#### **LACDA Policy**

The methods the LACDA will use to verify alimony and child support payments differ depending on whether the family declares that it receives regular payments.

If the family declares that it *receives regular payments*, verification will be obtained in the following order of priority:

Copies of the receipts and/or payment stubs for the 12 months prior to LACDA request

Third-party verification form from the state or local child support enforcement agency

Third-party verification form from the person paying the support

Family's self-certification of amount received

**Note:** Families are not required to undertake independent enforcement action.

### **7-III.E. NONRECURRING INCOME [Notice PIH 2023-27]**

Income that will not be repeated beyond the coming year (i.e., the 12 months following the effective date of the certification), based on information provided by the family, is considered nonrecurring income and is excluded from annual income. LACDAs may accept a self-certification from the family stating that the income will not be repeated in the coming year.

#### **LACDA Policy**

The LACDA will accept self-certification from the family stating that income will not be repeated in the coming year. However, the LACDA may choose, on a case-by-case basis, to require third-party verification that income sources will not be repeated in the coming year.

## **7-III.F. ASSETS AND INCOME FROM ASSETS**

### **Net Family Assets [24 CFR 5.603]**

At admission and reexam, for families with net assets totaling \$50,000 or less (adjusted annually), the LACDA may, but is not required to, accept the family's self-certification that the family's assets do not exceed \$50,000 without taking any additional steps to verify the accuracy of the declaration. The declaration must include the amount of income the family expects to receive from assets which must be included in the family's income. This includes declaring income from checking and savings accounts which, although excluded from the calculation of net family assets (because the combined value of non-necessary personal property does not exceed \$50,000), may generate asset income. LACDAs must clarify during the self-certification process which assets are included/excluded from net family assets.

For LACDAs that choose to accept self-certification, the LACDA is required to obtain third-party verification of all assets, regardless of the amount, at least once every three years.

LACDAs who choose not to accept self-certifications of assets must verify all families' assets on an annual basis.

When net family assets have a total value over \$50,000, the LACDA may not rely on the family's self-certification. Third-party verification of assets is required when net family assets exceed \$50,000, adjusted annually by HUD.

When verification of assets is required, LACDAs are required to obtain a minimum of one (1) statement that reflects the current balance of banking/financial accounts.

#### LACDA Policy

For families with net assets totaling \$50,000 or less, the LACDA will accept the family's self-certification of the value of family assets and anticipated asset income. The family's declaration must show each asset and the amount of income expected from that asset. All family members 18 years of age and older must sign the family's declaration. The LACDA reserves the right to require additional verification in situations where the accuracy of the declaration is in question. Any income the family expects to receive from assets will be included in the family's annual income. The family will be required to provide third-party verification of net family assets every three years.

When verification is required, in determining the value of checking or savings accounts, the LACDA will require one (1) bank statement and will use the current balance.

In determining the anticipated income from an interest-bearing checking or savings account when verification is required and the rate of return is known, the LACDA will multiply the current balance of the account by the current rate of interest paid on the account. If a checking account does not bear interest, the anticipated income from the account is zero.

### **Self-Certification of Real Property Ownership [24 CFR 5.618(b)(2)]**

The LACDA must determine whether a family has present ownership in real property that is suitable for occupancy for purposes of determining whether the family is compliant with the asset limitation described in Chapters 3 and 13. At admission and reexam, the LACDA may accept a self-certification from the family that the family does not have any present ownership in any real property that is suitable for occupancy. If the family declares they have present ownership in real property, the LACDA must obtain third-party verification.

#### LACDA Policy

Both at admission and reexam, the LACDA will accept self-certification from the family that the family does not have any present ownership in any real property. The certification will state that the family does not have any present ownership interest in any real property and must be signed by all family members 18 years of age and older. The LACDA reserves the right to require additional verification in situations where the accuracy of the declaration is in question.

If the family declares they have a present ownership in real property, the LACDA will obtain third-party verification of the following factors: whether the family has the legal right to reside in the property; whether the family has effective legal authority to sell the property; and whether the property is suitable for occupancy by the family as a residence. However, in cases where a family member is a victim of domestic violence, dating violence, sexual assault, or stalking, the LACDA will comply with confidentiality requirements under 24 CFR 5.2007 and will accept a self-certification.

### **7-III.G. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE**

The family must certify whether any assets have been disposed of for less than fair market value in the preceding two years. HUD permits LACDAs to accept a self-certification from a family as verification of assets disposed of for less than fair market value [HCV GB, p. 5-28]. The LACDA needs to verify only those certifications that warrant documentation [HCV GB, p. 5-28].

#### LACDA Policy

The LACDA will accept a self-certification from a family as verification of assets disposed of for less than fair market value.

The LACDA will verify the value of assets disposed of only if:

The LACDA does not already have a reasonable estimation of its value from previously collected information, or

The amount reported by the family in the certification appears obviously in error.

Example 1: An elderly resident reported a \$10,000 certificate of deposit at the last annual reexamination and the LACDA verified this amount. Now the person reports that she has given this \$10,000 to her son. The LACDA has a reasonable estimate of the value of the asset; therefore, reverification of the value of the asset is not necessary.

Example 2: A family member has disposed of its 1/4 share of real property located in a desirable area and has valued her share at approximately \$5,000. Based upon market conditions, this declaration does not seem realistic. Therefore, the LACDA will verify the value of this asset.

### **7-III.H. NET INCOME FROM RENTAL PROPERTY**

#### LACDA Policy

The family must provide:

A current executed lease for the property that shows the rental amount or certification from the current tenant.

A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E (Rental Income).

If schedule E was not prepared, the LACDA will require the family members involved in the rental of property to provide a self-certification of income and expenses for the previous year and may request documentation to support the statement including: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

**7-III.I. FEDERAL TAX REFUNDS OR REFUNDABLE TAX CREDITS**  
**[Notice PIH 2023-27]**

LACDAs are not required to verify the amount of the family's federal tax refund or refundable tax credit(s) if the family's net assets are equal to or below \$50,000 (adjusted annually for inflation), even in years when full verification of assets is required or if the LACDA does not accept self-certification of assets. LACDAs must verify the amount of the family's federal tax refund or refundable tax credits if the family's net assets are greater than \$50,000.

**7-III.J. RETIREMENT ACCOUNTS**

LACDA Policy

The LACDA will accept an original document from the entity holding the account dated no earlier than 12 months before that reflects any distributions of the account balance, any lump sums taken and any regular payments.

### **7-III.K. INCOME FROM EXCLUDED SOURCES [Notice PIH 2023-27]**

A detailed discussion of excluded income is provided in Chapter 6, Part I.

HUD guidance on verification of excluded income draws a distinction between income which is fully excluded and income which is only partially excluded.

For fully excluded income, the LACDA is **not** required to verify the income using third-party verification, document why third-party verification is not available, or report the income on the 50058. *Fully excluded income* is defined as income where the entire amount qualifies to be excluded from the annual income determination in accordance with 24 CFR 5.609(b) and any *Federal Register* notice on mandatory exclusions issued by HUD (for example, food stamps, earned income of a minor, or foster care funds).

LACDAs may accept a family's signed application or reexamination form as self-certification of fully excluded income. They do not have to require additional documentation. However, if there is any doubt that a source of income qualifies for full exclusion, LACDAs have the option of requiring additional verification.

For partially excluded income, the LACDA is required to follow the verification hierarchy and all applicable regulations, and to report the income on the 50058. Partially excluded income is defined as income where only a certain portion of what is reported by the family qualifies to be excluded and the remainder is included in annual income (for example, the income of an adult full-time student).

#### LACDA Policy

The LACDA will accept the family's self-certification as verification of fully excluded income. The LACDA may request additional documentation if necessary to document the income source.

The LACDA will verify the source and amount of partially excluded income as described in Part 1 of this chapter.

### **7-III.L. ZERO INCOME REVIEWS [Notice PIH 2023-27]**

A *zero-income review* is an assessment, sometimes periodic, performed by the LACDA of the income of a family who claims that they do not receive income from any source, including from assets. During such reviews, it is common for LACDAs to request that families complete and sign a worksheet explaining how they pay for the household's expenses. HUD does not require LACDAs to conduct periodic zero income reviews. In calculating annual income, LACDAs must not assign monetary value to nonmonetary in-kind donations from a food bank or similar organization received by the family [24 CFR 5.609(b)(24)(vi)]. LACDAs that perform zero income reviews must update local discretionary policies, procedures, and forms. Families who begin receiving income which does not trigger an interim reexamination should no longer be considered zero income even though the family's income is not reflected on the Form HUD-50058.

#### LACDA Policy

The LACDA will check UIV sources and/or may request information from third-party sources to verify that certain forms of income such as unemployment benefits, TANF, SS, SSI, earned income, child support, etc. are not being received by families claiming to have zero annual income.

The LACDA will also require that each family member who claims zero income status complete a zero-income form. If any sources of income are identified on the form, the LACDA will verify the income in accordance with the policies in this chapter prior to including the income in the family's annual income.

The LACDA will only conduct interims in accordance with LACDA policy in Chapter 9.

### **7-III.M. STUDENT FINANCIAL ASSISTANCE [24 CFR 5.609(b)(9)]**

The regulations under HOTMA distinguish between two categories of student financial assistance paid to both full-time and part-time students. Any assistance to students under section 479B of the Higher Education Act of 1965 (Title IV of the HEA) must be excluded from the family's annual income [24 CFR 5.609(b)(9)(i)]. Any other grant-in-aid, scholarship, or other assistance amounts an individual receives for the actual covered costs charged by the institution of higher education not otherwise excluded by the federally mandated income exclusions are excluded [24 CFR 5.609(b)(9)(ii)].

#### **LACDA Policy**

The LACDA will request written third-party verification of both the source and the amount of student financial assistance. Family-provided documents from the educational institution attended by the student will be requested, as well as documents generated by any other person or entity providing such assistance, as reported by the student.

In addition, unless the student's only source of assistance is assistance under Title IV of the HEA, the LACDA will request written verification of the cost of the student's tuition, books, supplies, room and board, and other required fees and charges to the student from the educational institution.

If the LACDA is unable to obtain third-party written verification of the requested information, the LACDA will pursue other forms of verification following the verification hierarchy in section 7-I.B.



## **PART IV: VERIFYING MANDATORY DEDUCTIONS**

### **7-IV.A. DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS**

The dependent and elderly/disabled family deductions require only that the LACDA verify that the family members identified as dependents or elderly/disabled persons meet the statutory definitions. No further verifications are required.

#### **Dependent Deduction**

See Chapter 6 for a full discussion of this deduction. The LACDA will verify that:

- Any person under the age of 18 for whom the dependent deduction is claimed is not the head, spouse or cohead of the family and is not a foster child.
- Any person age 18 or older for whom the dependent deduction is claimed is not a foster adult or live-in aide, and is a person with a disability or a full time student.

#### **Elderly/Disabled Family Deduction**

See the Eligibility chapter for a definition of elderly and disabled families and Chapter 6 for a discussion of the deduction. The LACDA will verify that the head, spouse, or cohead is 62 years of age or older or a person with disabilities.

## **7-IV.B. HEALTH AND MEDICAL CARE EXPENSE DEDUCTION**

Policies related to medical expenses are found in Chapter 6. The amount of the deduction will be verified following the standard verification procedures described in Part I.

The LACDA must comply with the Health Insurance Portability and Accountability Act (HIPAA) ([Pub. L. 104-191](#), 110 Stat. 1936) and the Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896) when requesting documentation to determine unreimbursed health and medical care expenses. The LACDA may not request documentation beyond what is sufficient to determine anticipated health and medical care costs. Before placing bills and documentation in the tenant file, the LACDA must redact all personally identifiable information [FR Notice 2/14/23].

### **Amount of Expense**

#### LACDA Policy

Medical expenses will be verified through:

Written third-party documents provided by the family, such as LACDA pharmacy printouts or receipts.

The LACDA will make a best effort to determine what expenses from the past are likely to continue to occur in the future. The LACDA will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.

Written third-party verification forms if the family is unable to provide acceptable documentation.

If third-party or document review is not possible, written family certification as to costs anticipated to be incurred during the upcoming 12 months.

Before placing bills and documentation in the tenant file, the LACDA will redact all personally identifiable information.

If the LACDA receives documentation from a verification source that contains the individual's specific diagnosis, information regarding the individual's treatment, and/or information regarding the nature or severity of the person's disability, the LACDA will immediately dispose of this confidential information; this information will never be maintained in the individual's file. If the information needs to be disposed of, the LACDA will note in the individual's file that verification was received, the date received, and the name and address of the person/organization that provided the verification. Under no circumstances will LACDA include an applicant's or resident's medical records in the file [Notice PIH 2010-26].

In addition, the LACDA must verify that:

- The household is eligible for the deduction.
- The costs to be deducted are qualified health and medical care expenses.
- The expenses are not paid for or reimbursed by any other source.

- Costs incurred in past years are counted only once.

### **Eligible Household**

The health and medical care expense deduction is permitted only for households in which the head, spouse, or cohead is at least 62 or a person with disabilities. The LACDA will verify that the family meets the definition of an elderly or disabled family provided in the Eligibility chapter, and as described in Chapter 7 (7-IV.A) of this plan.

### **Qualified Expenses**

To be eligible for the health and medical care expense deduction, the costs must qualify as medical expenses. See Chapter 6 for the LACDA's policy on what counts as a medical expense.

### **Unreimbursed Expenses**

To be eligible for the health and medical care expense deduction, the costs must not be reimbursed by another source.

#### LACDA Policy

The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any source. If expenses are verified through a third party, the third party must certify that the expenses are not paid or reimbursed from any other source.

### **Expenses Incurred in Past Years**

#### LACDA Policy

When anticipated costs are related to on-going payment of medical bills incurred in past years, the LACDA will verify:

- The anticipated repayment schedule

- The amounts paid in the past, and

- Whether the amounts to be repaid have been deducted from the family's annual income in past years

## **7-IV.C. DISABILITY ASSISTANCE EXPENSES**

Policies related to disability assistance expenses are found in 6-II.E. The amount of the deduction will be verified following the standard verification procedures described in Part I.

The LACDA must comply with the Health Insurance Portability and Accountability Act (HIPAA) ([Pub. L. 104-191](#), 110 Stat. 1936) and the Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896) when requesting documentation to determine unreimbursed auxiliary apparatus or attendance care costs. The LACDA may not request documentation beyond what is sufficient to determine anticipated reasonable attendant care and auxiliary apparatus costs. Before placing bills and documentation in the tenant file, the LACDA must redact all personally identifiable information [FR Notice 2/14/23].

### **Amount of Expense**

#### ***Attendant Care***

##### LACDA Policy

Expenses for attendant care will be verified through:

Written third-party documents provided by the family, such as receipts or cancelled checks.

Third-party verification form signed by the provider if family-provided documents are not available.

If third-party verification is not possible, written family certification as to costs anticipated to be incurred for the upcoming 12 months.

Before placing bills and documentation in the tenant file, the LACDA will redact all personally identifiable information.

If the LACDA receives documentation from a verification source that contains the individual's specific diagnosis, information regarding the individual's treatment, and/or information regarding the nature or severity of the person's disability, the LACDA will immediately dispose of this confidential information; this information will never be maintained in the individual's file. If the information needs to be disposed of, the LACDA will note in the individual's file that verification was received, the date received, and the name and address of the person/organization that provided the verification. Under no circumstances will LACDA include an applicant's or resident's medical records in the file [Notice PIH 2010-26].

## ***Auxiliary Apparatus***

### **LACDA Policy**

Expenses for auxiliary apparatus will be verified through:

Written third-party documents provided by the family, such as billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months.

Third-party verification form signed by the provider if family-provided documents are not available.

If third-party or document review is not possible, written family certification of estimated apparatus costs for the upcoming 12 months.

In addition, the LACDA must verify that:

- The family member for whom the expense is incurred is a person with disabilities (as described in 7-II.F above).
- The expense permits a family member, or members, to work (as described in Chapter 6.).
- The expense is not reimbursed from another source (as described in Chapter 6.).

### **Family Member is a Person with Disabilities**

To be eligible for the disability assistance expense deduction, the costs must be incurred for attendant care or auxiliary apparatus expense associated with a person with disabilities. The LACDA will verify that the expense is incurred for a person with disabilities (See 7-II.F.).

### **Family Member(s) Permitted to Work**

The LACDA must verify that the expenses claimed actually enable a family member, or members, (including the person with disabilities) to work.

### **LACDA Policy**

The LACDA will request third-party verification from a rehabilitation agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member, or members, to work (See 6-II.E.). This documentation may be provided by the family.

If third-party verification has been attempted and is either unavailable or proves unsuccessful, the family must certify that the disability assistance expense frees a family member, or members (possibly including the family member receiving the assistance), to work.

## **Unreimbursed Expenses**

To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source.

### LACDA Policy

The family will be required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.

#### **7-IV.D. CHILDCARE EXPENSES**

Policies related to childcare expenses are found in Chapter 6. The amount of the deduction will be verified following the standard verification procedures described in Part I. In addition, the LACDA must verify that:

- The child is eligible for care (12 or younger).
- The costs claimed are not reimbursed.
- The costs enable a family member to work, actively seek work, or further their education.
- The costs are for an allowable type of childcare.
- The costs are reasonable.

##### **Eligible Child**

To be eligible for the childcare deduction, the costs must be incurred for the care of a child under the age of 13. The LACDA will verify that the child being cared for (including foster children) is under the age of 13 (See 7-II.C.).

##### **Unreimbursed Expense**

To be eligible for the childcare deduction, the costs must not be reimbursed by another source.

##### LACDA Policy

The family and the care provider will be required to certify that the childcare expenses are not paid by or reimbursed to the family from any source.

## **Pursuing an Eligible Activity**

The LACDA must verify that the family member(s) that the family has identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities.

### LACDA Policy

#### *Information to be Gathered*

The LACDA will verify information about how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the time required for study (for students), the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

#### *Seeking Work*

Whenever possible the LACDA will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment). In such cases the LACDA will request family-provided verification from the agency of the member's job seeking efforts to date and require the family to submit to the LACDA any reports provided to the other agency.

In the event third-party verification is not available, the LACDA will provide the family with a form on which the family member must record job search efforts. The LACDA will review this information at each subsequent reexamination for which this deduction is claimed.

#### *Furthering Education*

The LACDA will request third-party documentation to verify that the person permitted to further their education by the childcare is enrolled and provide information about the timing of classes for which the person is registered. The documentation may be provided by the family.

#### *Gainful Employment*

The LACDA will seek third-party verification of the work schedule of the person who is permitted to work by the childcare. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family members may be verified. The documentation may be provided by the family.

### **Allowable Type of Childcare**

The type of care to be provided is determined by the family, but must fall within certain guidelines, as discussed in Chapter 6.

#### LACDA Policy

The LACDA will verify that the type of childcare selected by the family is allowable, as described in Chapter 6.

The LACDA will verify that the fees paid to the childcare provider cover only childcare costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members).

The LACDA will verify that the childcare provider is not an assisted family member. Verification will be made through the head of household's declaration of family members who are expected to reside in the unit.

### **Reasonableness of Expenses**

Only reasonable childcare costs can be deducted.

#### LACDA Policy

The actual costs the family incurs will be compared with the LACDA's established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable.

If the family presents a justification for costs that exceed typical costs in the area, the LACDA will request additional documentation, as required, to support a determination that the higher cost is appropriate.

**Exhibit 7-1: Summary of Documentation Requirements for Noncitizens**  
**[HCV GB, pp. 5-9 and 5-10]**

- **All** noncitizens claiming eligible status must sign a declaration of eligible immigrant status on a form acceptable to the LACDA.
- Except for persons 62 or older, all noncitizens must sign a verification consent form
- Additional documents are required based upon the person's status.

**Elderly Noncitizens**

- A person 62 years of age or older who claims eligible immigration status also must provide proof of age such as birth certificate, passport, or documents showing receipt of SS old-age benefits.

**All other Noncitizens**

- Noncitizens that claim eligible immigration status also must present the applicable USCIS document. Acceptable USCIS documents are listed below.

<ul style="list-style-type: none"> <li>• Form I-551 Alien Registration Receipt Card (for permanent resident aliens)</li> <li>• Form I-94 Arrival-Departure Record annotated with one of the following: <ul style="list-style-type: none"> <li>• “Admitted as a Refugee Pursuant to Section 207”</li> <li>• “Section 208” or “Asylum”</li> <li>• “Section 243(h)” or “Deportation stayed by Attorney General”</li> <li>• “Paroled Pursuant to Section 221 (d)(5) of the USCIS”</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Form I-94 Arrival-Departure Record with no annotation accompanied by: <ul style="list-style-type: none"> <li>• A final court decision granting asylum (but only if no appeal is taken);</li> <li>• A letter from a USCIS asylum officer granting asylum (if application is filed on or after 10/1/90) or from a USCIS district director granting asylum (application filed before 10/1/90);</li> <li>• A court decision granting withholding of deportation; or</li> <li>• A letter from an asylum officer granting withholding or deportation (if application filed on or after 10/1/90).</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Form I-688 Temporary Resident Card annotated “Section 245A” or Section 210”.</li> </ul>	<ul style="list-style-type: none"> <li>• Form I-688B Employment Authorization Card annotated “Provision of Law 274a. 12(11)” or “Provision of Law 274a.12”.</li> </ul>

- A receipt issued by the USCIS indicating that an application for issuance of a replacement document in one of the above listed categories has been made and the applicant’s entitlement to the document has been verified; or
- Other acceptable evidence. If other documents are determined by the USCIS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the *Federal Register*.



## Chapter 8

### LEASING AND INSPECTIONS

#### [24 CFR 5, Subpart G; 24 CFR 966, Subpart A]

#### INTRODUCTION

Public housing leases are the contractual basis of the legal relationship between the LACDA and the resident. All units must be occupied pursuant to a dwelling lease agreement that complies with HUD regulations.

HUD regulations require the LACDA to inspect each dwelling unit prior to move-in (including unit transfer move-ins), move-out, and annually during the period of occupancy. In addition, the LACDA may conduct additional inspections in accordance with LACDA policy.

This chapter is divided into two parts as follows:

Part I: Leasing. This part describes pre-leasing activities and the LACDA's policies pertaining to lease execution, lease modification, and payments under the lease.

Part II: Inspections. This part describes the LACDA's policies for inspecting dwelling units and notifying families of HUD REAC NSPIRE inspections.

#### PART I: LEASING

##### 8-I.A. OVERVIEW

An eligible family may occupy a public housing dwelling unit under the terms of a lease that complies with HUD's regulations [24 CFR Part 966]. The lease must meet all regulatory requirements and must also comply with applicable state and local laws and codes.

The term of the lease must be for a period of 12 months. The lease must be renewed automatically for another 12-month term, **except that the LACDA may not renew the lease if the family has violated the community service requirement and if the family is determined to be over income for 24 consecutive months [24 CFR 966.4(a)(2)].**

LACDAHUD required the LACDA to establish and implement smoke-free policies, no later than July 30, 2018. The Smoke-Free policy is attached as Exhibit 8-1.

Part I of this chapter contains regulatory information on leasing, where applicable, as well as the LACDA's leasing policies.

For policies on lease requirements for families whose incomes have exceeded the over-income limit for 24 consecutive months, see 13-III.C., Over-Income Families.

## **8-I.B. LEASE ORIENTATION**

### LACDA Policy

The initial term of the lease will be for 12 months. The lease will renew for a 12-month term unless good cause exists not to renew the lease. The LACDA will provide the household with an Annual Notice of Change to Public Housing Lease Agreement (“Addendum”), which will be signed by the Property Manager or Area Manager. The Lease Addendum will include the monthly rental payment amount and all other covenants, terms and conditions of the Lease will remain the same. The adult household members are not required to sign the Lease Addendum renewal.

See Chapter 11 for further detail regarding the date of annual re-examination and the Lease Agreement anniversary date.

Upon execution of the lease, the LACDA will conduct a lease orientation for all adult members of the household. The family must attend an orientation before taking occupancy of the unit.

At the time of the Lease-in interview, all adult members will be required to sign the Lease Agreement, Lease Addendums, House Rules, Certified Statements of Resident Obligations, and other documents required by the LACDA. Failure to sign any required documents will be cause for denial of housing.

## **Orientation Agenda**

### LACDALACDA Policy

When families attend the lease orientation, they will be provided with:

- A copy of the Lease Agreement and Addendums

- A copy of the LACDALADCA’s lease grievance procedure

- A copy of the House Rules

- A copy of the LACDA’s LACDA schedule of maintenance charges

- A Copy of the full application and signed release forms

- A copy of the Parking Policy

- A copy of the LACDA’s Pet Policy

- A copy of the Certified Statement of Resident Obligations

- Information on Privacy Act

- Fair Housing Booklet

- A copy of “Is Fraud Worth It?” (form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse.

- A copy of “What You Should Know about EIV,” a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2017-12

- A copy of the form HUD-5380, VAWA Notice of Occupancy Rights

A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

A copy of the LACDALACDA's smoke free policy

A notice that includes the procedures for requesting relief and the LACDALACDA's criteria for granting requests for relief for excess utility surcharges

The HUD pamphlet on lead-based paint entitled, "Protect Your Family from Lead in Your Home."

Community Service and Self-Sufficiency Requirements (CSSR)- Agreement

**Topics to be discussed and explained to all families include:**

Applicable deposits and all other charges

Review and explanation of lease provisions

Unit maintenance requests and work orders, including online requests via the Rent Café.

Rent Café Tenant Portal Registration

The LACDALACDA's interim reporting requirements

Review and explanation of occupancy forms

Community Service and Self-Sufficiency Requirements (CSSR)

Family choice of rent

VAWA protections

Smoke-free policies

LACDA/Resident appliance responsibilities (if applicable))

LACDA/Resident Utility Responsibilities

Orientation to the community

## **8-I.C. EXECUTION OF LEASE**

The lease must be executed by the resident and the LACDA, except for automatic renewals of a lease [24 CFR 966.4(a)(3)].

A lease is executed at the time of admission for all new residents. A new lease is also executed at the time of transfer from one LACDA unit/development to another.

The lease must state the composition of the household as approved by the LACDA (family members and any LACDA-approved live-in aide) [24 CFR 966.4(a)(1)(v)]. Live-in aids are required sign a “Live-In Aide Agreement” (LIA) authorizing the arrangement and describing the status of the attendant. See Section 8-I.D. for policies regarding changes in family composition during the lease term.

### LACDALACDA Policy

The head of household, spouse/marital-type partner, or cohead, and all other adult members of the household and an authorized representative of the LACDA, will be required to sign the public housing lease prior to admission. An in-person appointment will be scheduled for the parties to execute the lease. The head of household will be provided a copy of the executed lease and the LACDA will retain a copy in the resident’s file. The lease is incorporated into this policy by reference. The lease document will reflect current LACDA policies as well as applicable Federal, State and Local law.

The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

Files for households that include a live-in aide will contain file documentation signed by the live-in aide, that the live-in aide is not a party to the lease and not have the right to tenancy or continued occupancy LACDA. The live-in aide is only approved to live in the unit while serving as the care attendant for the family member who requires the care.

## **8-I.D. MODIFICATIONS TO THE LEASE**

The lease may be modified at any time by written agreement of the resident and the LACDAA [24 CFR 966.4(a)(3)].

### **Modifications to the Lease Form**

The LACDA may modify its lease from time to time. However, the LACDA must give residents at least thirty (30) days advance notice of the proposed changes and an opportunity to comment on the changes. The LACDA will consider any comments before Board review/approval, and formally adopting a new/modified lease [24 CFR 966.3].

After proposed changes have been incorporated into the lease and approved by the Board, each family must be notified at least 60 days in advance of the effective date of the new lease or lease revision. A resident's refusal to accept permissible and reasonable lease modifications that are made in accordance with HUD requirements, or are required by HUD, is grounds for termination of tenancy [24 CFR 966.4(l)(2)(iii)(E)].

#### LACDA Policy

The family will have 30 days to accept the revised lease. If the family does not accept the offer of the revised lease within that 30 calendar days timeframe, the family's tenancy will be terminated for other good cause in accordance with the policies in Chapter 13.

Schedules of special charges and rules and regulations are subject to modification or revision. Because these schedules are incorporated into the lease by reference, residents and resident organizations must be provided at least thirty days written notice of the reason(s) for any proposed modifications or revisions and must be given an opportunity to present written comments. The notice must be delivered directly or mailed to each resident; or posted in at least three conspicuous places within each structure or building in which the affected dwelling units are located, as well as in a conspicuous place at the management office, if any, or if none, a similar central business location within the development. Comments must be taken into consideration before any proposed modifications or revisions become effective [24 CFR 966.5].

After the proposed revisions become effective, they must be publicly posted in a conspicuous manner in the project office and must be furnished to applicants and tenants on request [24 CFR 966.5].

#### LACDA Policy

When the LACDA proposes to modify or revise schedules of special charges or rules and regulations, the LACDA will post a copy of the notice in the central office at each management office and will mail a copy of the notice to each resident family. Documentation of proper notice will be included in each resident file.

Any modifications of the lease must be accomplished by a written addendum to the lease and signed by the site Property Manager or Operation's Manager.

A resident's refusal to execute the LACDA approved lease modifications, or those modifications required by HUD, is a material breach of the Lease Agreement and grounds for termination of tenancy.

## **Other Modifications**

### LACDA Policy

#### **The following provisions govern lease execution and amendments:**

A lease is executed at the time of admission for all new residents.

A new lease is executed at the time of the transfer of a resident from one LACDA unit/development to another.

A new lease is executed at the time of an approved new adult member add-on.

When a member turns 18 years of age

If, for any reason, any signer of the lease ceases to be a member of the household, the lease will be amended by drawing a line through the party's name and both parties will be required to initial and date the change.

The names of all household members are listed on the lease at initial occupancy and on the Annual Notice of Change Public Housing Lease Agreement ("Addendum") each subsequent year. Only those persons listed on the most recent certification shall be permitted to occupy a dwelling unit.

Changes to resident rents are made upon the preparation and execution (signed) of an Annual Notice of Change Public Housing Lease Agreement ("Addendum") at the time of the annual recertification or "Notice of Rent Adjustment" between annual reexaminations by the LACDA, which becomes an attachment to the lease. Documentation will be included in the resident file to support proper notice.

Households that include a live-in aide are required to execute a "Live-In Aide Agreement" authorizing the arrangement and describing the status of the attendant.

## **Additions to The Lease**

Requests for the addition of a new member to the household must first be approved by the LACDA, prior to the actual move-in by the proposed new member except for additions by birth, adoption, court-awarded custody foster adult, and/or of a minor child approved by a social service agency (i.e. DPSS, DCFS, etc.), in which case the family must inform the LACDA within ten (10) calendar days.

Following receipt of a family's request to add a new member, the LACDA will conduct a pre-admission suitability review for those proposed household members over the age of 18 and conduct a screening for sex offender status for proposed members between the ages of 13 to 17 years of age. A new Lease Agreement for the household will be required when an authorized adult member is approved and added to the family composition. Only those members approved by the LACDA will be added to the lease. Furthermore, the LACDA will consider whether the resident request to add a member(s) will exceed the occupancy limit for the unit as a factor determining whether to approve the request.

Upon approval by the LACDA, families may add only the following persons to their lease:

- Spouse/marital/domestic-type partner and the minor children of that person

- Minor child of the head of household, co-head, spouse/marital-type partner who has been living elsewhere
- Addition of Military adult child with a discharge date within 120 days from any of the US Armed Forces
- A disabled adult parent or child of the head of household/co-head who requires disability-required care
- Former household member(s) may be reinstated within 120 days after their move-out, if they are in good standing with the LACDA. Member is subject to Criminal Background screening and must meet suitability requirements.
- Secondary Education Students - Former household members in good standing that were removed from the household while attending a secondary educational institution may be reinstated within 120 days from completion of their education program, with verification from the educational institution. Written verification from the registrar's office will be required. Verification must include ongoing and consecutive enrollment status or an approved and/or authorized leave per the educational institution, or evidence of completion. Member is subject to Criminal Background screening and must meet suitability requirements.

Live-in aides do not have the right of tenancy and cannot be added to the families' Lease Agreement. Upon approval by the LACDA, a live-in aide can reside in the household. Live-in aides are required to execute a "Live-In Aide Agreement" with the LACDA.

Children born to a family member are not subject to screening for purposes of determining household additions.

Residents who fail to notify the LACDA of additions to the household, or who permit persons to join the household (includes permitting non-tenants to utilize a resident's address), without undergoing screening are considered to have unauthorized occupants by the LACDA and are in violation of the lease and subject to termination of tenancy [24 CFR 966.4(f)(3)].

Upon approval of the additional household members between annual reexaminations, the LACDA will process an interim re-examination, HUD Form 50058 to reflect the change in household composition and income, the Lease anniversary date will remain the same. In cases where the new household member is over the age of 18, the LACDA will execute a new Lease Agreement with the family. In such cases, the LACDA will conduct an annual or interim reexamination (whichever is applicable).

#### **Leasing Units with Accessible or Adaptable Features [24 CFR 8.27(A)(1)(2) and (b)]**

Before offering a vacant accessible unit to a non-disabled applicant, the LACDA shall offer such units in the following priority order:

1. To a current occupant of another unit of the same development, or other public housing development under the LACDA's control, who has a disability that requires the special features of the vacant unit.
2. To an eligible qualified applicant on a specific waiting list having a disability that requires the special features of the vacant unit.

3. To an eligible qualified applicant on a specific waiting list who does not require the special features of the vacant unit.

The LACDA will require a non-disabled applicant to agree prior to move in to move to an available non-accessible unit within 30 calendar days when either a current resident or an applicant needs the features of the unit and there is another unit available for the applicant. This requirement is a provision of an Addendum to the Public Housing Lease Agreement.

### **Utility Services**

Residents are responsible for direct payment of utilities. Residents must abide by any and all regulations of the specific utility company, including regulations pertaining to advance payments of deposits. Failure to maintain utility services during tenancy is a lease violation and grounds for termination of tenancy.

If there is a utility reimbursement payment, the LACDA shall pay the utility reimbursement payment directly to the resident as delineated in Chapter 6.

### **8-I.E. SECURITY DEPOSITS [24 CFR 966.4(b)(5)]**

. Residents must pay for the security deposit to the LACDA at the time of admission. The amount of the security deposit cannot exceed one month's rent or a reasonable fixed amount as determined by the LACDA. The LACDA may allow for gradual accumulation of the security deposit by the family, or the family may be required to pay the security deposit in full prior to occupancy. Subject to applicable laws, interest earned on security deposits may be refunded to the tenant after vacating the unit or used for tenant services or activities.

#### **LACDA Policy**

Residents must pay a security deposit to the LACDA at the time of admission. The amount of the security deposit will be equal to the family's total tenant payment at the time of move-in and must be paid in full prior to occupancy.

#### **Elderly-Only Housing Developments:**

The Security Deposit is the greater of the applicant's TTP or \$75 for Elderly-Only housing developments.

#### **General Occupancy Housing Developments:**

The Security Deposit is the greater of the applicant's TTP or \$125 for general occupancy housing developments.

The LACDA will hold the security deposit for the period the family occupies the unit. The LACDA will not use the security deposit for rent or other charges while the resident is living in the unit.

The LACDA will refund the Security Deposit less any amounts owed as required by California State Law, within 21- days, following the move out. The refund the amount of security deposit, less any amount needed to pay the cost of:

Unpaid Rent;

Damages listed on the Move-Out Inspection Report that exceed normal wear and tear;

Other charges under the Lease

The resident caused unit damages will be listed on the move-out inspection report that exceed normal wear and tear, and other charges due under the lease.

If the resident transfers to another unit or development, the LACDA will refund the security deposit 21-days following the move-out, less damages, and collect a new security deposit TTP. Families will be required to update their income and other information upon prior to the unit transfer. The resident will be informed of the new security deposit amount.

## **8-I.F. PAYMENTS UNDER THE LEASE**

### **Rent Payments [24 CFR 966.4(b)(1)]**

Families must pay the amount of the monthly tenant rent determined by the LACDA in accordance with HUD regulations and other requirements. The amount of the tenant rent is subject to change in accordance with HUD requirements.

The lease LACDA must specify the initial amount of the tenant rent at the beginning of the initial lease term, and the LACDA must give written notice stating any change in the amount of tenant rent and when the change is effective.

#### LACDA Policy

The tenant rent is due and payable THE LOS ANGELES COUNTY DEVELOPMENT AUTHORITY (LACDA). Payment must be mailed to Bank of America (BofA) Post Office Box as noted in the lease on the first of every month. If the first falls on a weekend or holiday, the rent is due and payable on the first business day thereafter. Resident must also include the rent payment stub with the payment.

If a family's tenant rent changes, the LACDA will notify the family of the new amount and the effective date by sending a "Notice of Rent Adjustment" which will become an attachment to the lease.

If BofA does not receive a payment by the fifth business day of the month, a notice to pay rent or quit will be served on the resident. Residents shall make all payments by check or money order payable to THE LOS ANGELES COUNTY DEVELOPMENT AUTHORITY (LACDA). The LACDA shall collect a fee in the amount charged the LACDA by the bank anytime a check is not honored for payment or there are insufficient funds through an Automated Clearing House (ACH) or web-based payment. A dishonored bank check fee shall be due two (2) weeks after service of notice. Residents who submit more than two (2) checks that are not honored for payment will be required to make rent payments by money order only. If a Resident is delinquent in paying their rent more than three (3) times during a twelve (12) month period, it will be considered a material breach of their Lease Agreement.

If a resident is issued a Notice of Termination, the LACDA will not accept rent payments in any form unless the resident is in the grievance hearing process.

The LACDA provides Residents with up to three options for paying rent:

#### **Option 1:**

##### **Lockbox System Payment**

The following is the LOCKBOX procedure for paying rent:

All rent payments are mailed to a Bank of America (BofA) Postal Office Box;

BofA scans the rent payment stub and front of the money order/check, envelope and statement;

All scanned documents and payment information is inputted and batched by BofA;

BofA uploads all payment information to a secure web site;

The LACDA accesses the secure BofA web site and import rent payment data into the housing software.

**Option 2:**

**Web Based Online Payment**

An LACDA resident can make rent payments online through the LACDA's secure online rent payment service. Residents must enter their T Code, bank account number, and bank routing number. Payments made before 4:00 p.m. are debited from the resident's bank account on the same day if the resident banks with Bank of America, all other financial institutions may take 3-5 business days. If there are insufficient funds in the resident's account, the LACDA shall collect from the resident any fees charged by the bank. Residents can make web based online payments at any time.

**Option 3:**

**Automatic Bank Payment**

An LACDA resident can make Automated Clearing House (ACH) rent payments from the resident's bank account. The resident's bank account will be debited on the third (3rd) calendar day of each month. If that day is on a weekend or holiday, the payment will be debited on the next business day.

Residents continue to receive a monthly rent statement and the total rent due on that statement is the amount that is withdrawn from the resident's bank account. A resident can cancel automatic rent payments by providing their management office with a written request to cancel. Cancellation request must be submitted by the 10th of the month to allow the LACDA and the Depository sufficient time to process. If there are insufficient funds in the resident's account, the LACDA shall collect from the resident any fees charged by the bank.

### **Late Fees and Nonpayment [24 CFR 966.4(b)(3); Notice PIH 2021-29]**

The lease must provide that late payment fees are not due and collectible until two weeks after the PHA gives written notice of the charges. The written notice is considered an adverse action and must meet the requirements governing a notice of adverse action [24 CFR 966.4(b)(4)].

The notice of proposed adverse action must identify the specific grounds for the action and inform the family of their right for a hearing under the LACDA grievance procedures. The LACDA must not take the proposed action until the time for the tenant to request a grievance hearing has expired, or (if a hearing was requested within the required timeframe,) the grievance process has been completed [24 CFR 966.4(e)(8)].

#### **LACDA Policy**

If the rent payment is not received by the Bank of America processing center by the fifth day of the month, and the LACDA has not agreed to accept payment at a later date, a 30-day Notice to Vacate (during nationwide emergency orders) or a 14-day Notice to Vacate (upon expiration of nationwide emergency orders) will be issued to the resident for failure to pay rent, demanding payment in full or the surrender of the premises.

In addition, if the BofA does not receive a payment by the fifth business day of the month, a late fee of \$25.00 will be charged. Notices of late fees will be in accordance with requirements regarding notices of adverse action. Charges are due and payable 14 calendar days after billing. If the family requests a grievance hearing within the required timeframe, the LACDA may not take action for nonpayment of the fee until the conclusion of the grievance process.

When a check is returned for insufficient funds or is written on a closed account, the rent will be considered unpaid and a returned check fee of \$25.00 will be charged to the family. The fee will be due and payable 14 calendar days after billing.

### **Excess Utility Charges**

#### **LACDA Policy**

Residents in units where the LACDA pays the utilities may be charged for excess utilities if additional appliances or equipment are used in the unit. This charge shall be applied as specified in the lease. [24CFR 966.4(b)(2)]

## **Maintenance and Damage Charges**

If the LACDA charges the tenant for maintenance and repair beyond normal wear and tear, the lease states the basis for the determination of such charges [24 CFR 966.4(b)(2)].

Schedules of special charges for services and repairs which are required to be incorporated in the lease by reference must be publicly posted in a conspicuous manner in the development office and must be furnished to applicants and residents on request [24 CFR 966.5].

The lease states that charges for maintenance and repair beyond normal wear and tear are not due and collectible within 30 calendar days from the date the LACDA gives written notice of the charges. The written notice is considered an adverse action and must meet the requirements governing a notice of adverse action [24 CFR 966.4(b)(4)].

The notice of proposed adverse action must identify the specific grounds for the action and inform the family of their right for a hearing under the LACDA grievance procedures. The LACDA will not take the proposed action until the time for the tenant to request a grievance hearing has expired, or (if a hearing was requested within the required timeframe,) the grievance process has been completed [24 CFR 966.4(e)(8)].

### LACDA Policy

When applicable, families will be charged for maintenance and/or damages according to the LACDA's current schedule (posted in the each of the Management Offices). Work that is not covered in the schedule will be charged based on the actual cost of labor and materials to make needed repairs (including overtime, if applicable).

Notices of maintenance and damage charges will be mailed in accordance with requirements regarding notices of adverse actions. Charges are due and payable within 30 calendar days from the billing date. If the family requests a grievance hearing within the required timeframe, the LACDA may not take action for nonpayment of the charges until the conclusion of the grievance process.

Nonpayment of maintenance and damage charges is a violation of the lease and is grounds for eviction.

## **Home Occupations**

The LACDA in its sole discretion, may authorize a unit to be used as a place for conducting a home occupation; provided that the unit is used primarily as a place of residence and the following conditions are met to assure that the use of the unit is consistent with residential use and will not disturb the peaceful enjoyment of the premises by other residents.

### **Criteria for Home Occupations**

1. No construction, structural alteration or addition to the unit shall be permitted;
2. Not more than one room in a unit shall be primarily used in connection with the home occupation;
3. No special equipment or facilities other than furnishings, small tools, and hand-carried or light office machines shall be installed or utilized;
4. No persons other than residents of the LACDA shall work on the Premises in connection with the home occupation;
5. There shall be no excessive vehicular traffic to or from the unit by customers, salesmen, repairmen, service vehicles, deliverymen, messengers or others beyond the amount of such traffic generally incidental to residential uses;
6. No sound created by the operation of the home occupation shall raise the noise to a level which disturbs the neighbors or the housing complex;
7. No hazardous or offensive materials shall be stored or utilized;
8. No sign shall be displayed which in any way indicates the presence of a nonresidential activity;
9. There shall be no evidence of nonresidential activity visible from any point beyond the immediate premises where the home occupation is located;
10. Storage of goods and materials not associated with residential uses shall be limited and shall not create a safety or health impact such as, but not limited to, fire safety or blockage of passageways;
11. Sale of firearms shall be prohibited.
12. Being in possession of an unregistered or illegal gun or other firearm.
13. The Property Manager shall have final approval of all Home Occupation activities.

### **Criteria for Childcare Home Occupations**

For those residents electing to provide childcare in their unit, the following additional requirements must be followed:

1. Criminal background check for all family members 18 years of age and older;
2. Executed Space Use Agreement (SUA) which will include the following:
  - a. In accordance with the revised Health and Safety Code Section 1597.531, the childcare provider shall maintain one of the following:

1. Liability insurance kept in force covering injury to clients and guests in the amount of at least one hundred thousand dollars (\$100,000) per occurrence and three hundred thousand dollars (\$300,000) in the total annual aggregate, sustained on account of the negligence of the licensee or its employees; or
2. A bond in the aggregate amount of three hundred thousand dollars (\$300,000); or
3. A file of affidavits signed by each parent with a child enrolled in the home. The affidavit shall state that the parents has been informed that the family child care home does not carry liability insurance or a bond according to standards established by the state of California, and that the parent has been informed that the liability insurance, if any, of the owner of the property may not provide coverage for losses arising out of, or in connection with, the operation of the family day care home, except to the extent that the losses are caused by, or result from, an action or omission by the owner of the property for which the owner of the property would otherwise be liable under the law.

A family day care home that maintains liability insurance or a bond pursuant to the above section, shall name the LACDA as an additional insured party on the liability insurance policy or bond with the following conditions being met:

The LACDA may make a written request to be added as an additional insured party;

The addition of the LACDA does not result in cancellation or nonrenewal of the insurance policy or bond carried by the family day care home;

Any additional premium assessed for this coverage is paid by the LACDA.

b. Copy of State of California Child-Care License

1. Pass a Unit Inspection in accordance with NSPIRE Inspections;
2. Comply with the Home Inspection Criteria;
3. Abide by and assure that childcare clients comply with the applicable terms of the Lease Agreement (section 6 parts A, B, C, D, E, F, H, L, N, O, Q, S, T, U, W, Z, AA, CC, DD, and EE) established for the benefit and well-being of the Housing Development in which the Residence is located. The Lease Agreement is available in the Management office;
4. Provide to the Property Manager the names of each parent and child utilizing the childcare services;
5. Complete a safety training to be conducted by site Maintenance staff;
6. Notify the site Community Policing Program (CPP) that resident is conducting childcare in the unit;
7. Resident, as Licensee, shall comply with all applicable Federal, State, and local laws regarding the provision of childcare in the unit and comply with all terms of their Lease Agreement;
8. The LACDA shall ensure the peaceful enjoyment of all residents at the housing development;

9. Failure to comply with the Childcare Home Occupations Policy may result in the resident losing their housing;
10. Provide the site management office with the name of an alternate person as back-up child caretaker, including a copy of the person's California Identification Card or Driver's License.

## **PART II: INSPECTIONS**

### **8-II.A. OVERVIEW**

The U.S. Department of Housing and Urban Development's (HUD) new housing inspection approach, under development, prioritizes health, safety, and functional deficiencies over those about appearance. The National Standards for the Physical Inspection of Real Estate (NSPIRE) is a single inspection standard for all units under the Public Housing, HCV, Multifamily, and Community Planning and Development (CPD) programs.

In accordance with HUD, the LACDA's Public Housing program is required to comply with the mandatory NSPIRE. This new standard replaces the Real Estate Assessment Center's (REAC's) mandated inspections.

The LACDA is obligated to maintain safe and habitable dwelling units and to make necessary repairs to dwelling units [24 CFR 966.4(e)]. The National Standards for the Inspection Physical Inspection of Real Estate (**NSPIRE**) are the standard under which HUD housing units, including those under the public housing program, are inspected. NSPIRE ensures that residents of public housing live in safe, habitable dwellings, and the items and components located inside, outside, and within the units are functionally adequate, operable, and free of health and safety hazards [24 CFR 5.703(a)]. Further, units must comply with State and local code requirements (such as fire, mechanical, plumbing, carbon monoxide, property maintenance, and residential code) [24 CFR 5.703(f)] as well as with all requirements related to the evaluation and control of lead-based paint hazards [24 CFR 5.703(e)(2)].

Under NSPIRE, public housing units are subject to three (3) types of inspections: annual self-inspections, NSPIRE Inspections (which are used to assess and score the LACDA under the Public Housing Assessment System (LACDAS)), and NSPIRE Plus Inspections (which are triggered by poor property conditions). HUD regulations also require the LACDA to inspect each public housing unit prior to move-in and at move-out. The LACDA may require additional inspections, in accordance with LACDA policy. This part contains the LACDA's policies governing inspections by the LACDA and HUD, notification of unit entry, and inspection repair timelines. This section discusses inspections conducted by the LACDA (including annual self-inspections) and inspections conducted by HUD REAC.

### **8-II.B. LACDA-CONDUCTED INSPECTIONS**

The LACDA is obligated to maintain dwelling units and the project in safe and habitable condition and to make necessary repairs to dwelling units [24 CFR 966.4(e)].

In accordance with PIH Notice 2013-17, the LACDA may take photos during routine and scheduled unit/site inspections and/or work order calls to identify and record the quality of the inspectable item or to record deficiencies and/or damages, including photos of the corrected deficiencies/damages. The photos will be secured and stored in the respective inspection and/or work order report(s) in the resident's paper or electronic file. Each photo taken will be clearly labeled (i.e., date/time, unit/site location), so that the relevant content of the photo is easily identified; photo will be matched to a specific item on the inspection and/or workorder report along with any written description of the deficiency, damage(s), corrected damage(s)/deficiencies.

## **Types of LACDA-Conducted Inspections**

### ***Move-In Inspections [24 CFR 966.4(i)]***

The lease must require the LACDA and the family to inspect the dwelling unit prior to occupancy in order to determine the condition of the unit and equipment in the unit. A copy of the initial inspection, signed by the LACDA and the tenant, must be provided to the tenant and retained in the resident file.

#### LACDA Policy

The LACDA and the family **will** inspect the premises prior to occupancy of the unit in order to determine the condition of the unit and equipment in the unit (including unit transfers). A copy of the inspection, signed by head of household and the LACDA authorized representative, will be kept in the resident file.

### ***Move-Out Inspections [24 CFR 966.4(i)]***

The LACDA will inspect the unit at the time the resident vacates the unit and will allow the resident to participate in the inspection if they wish unless the tenant vacates without notice to the LACDA. The LACDA will mail a Final Statement to the forwarding address provided of any charges to be made for maintenance and damage beyond normal wear and tear.

The difference between the condition of the unit at move-in and move-out establishes the basis for any charges against the security deposit so long as the work needed exceeds that for normal wear and tear.

#### **LACDA Policy**

The purpose of these inspections is to determine necessary maintenance and whether there are damages that exceed normal wear and tear. The LACDA will determine if there are resident caused damages to the unit. Resident caused damages may affect part or all of the family's security deposit.

In accordance with Section 1950.5(f) of the California Civil Code, the LACDA will abide by the following Move-Out Inspection procedures when the resident submits a 30-day Notice of Intent to Vacate or the LACDA issues a 30-day Notice to Vacate or a 14-Day Notice to Pay Rent or Quit or a 30-Day Notice to Cure or Quit, to the resident.

These procedures do not apply to residents who receive a Three-Day Notice to Quit due to a lack of time to provide an initial Move-Out inspection.

The LACDA shall notify the resident in writing of their option to request an initial Move-Out

inspection and their right to be present at the inspection.

At the time the resident submits a 30-Day Notice of Intent to Vacate or the LACDA issues a 30-Day or 14-Day Notice, the residents will be informed that the request for the initial inspection must be in writing and delivered to the Management office during normal business hours within three (3) days of the date of service of the Notice. Should the resident fail to request an initial inspection, the LACDA will be discharged of its duty.

After the resident submits a request for an initial inspection, the LACDA and the resident will schedule said inspection at a mutually agreed upon date and time. The inspection should be scheduled no earlier than two weeks before the termination of the Lease Agreement.

The LACDA will give the resident 48-hour prior written notice of the mutually agreed upon date and time. However, the LACDA and the resident may forego the 48-hour written notice by executing a written waiver. The LACDA will then proceed with the inspection whether the resident is present or not in the unit.

Upon the completion of the inspection, the LACDA will give the resident an itemized statement specifying the items that are in need of repair and/or cleaning which will be the basis for deductions from the security deposit. This itemized statement will be handed to the resident at the conclusion of the inspection or placed inside the unit (should the tenant not be present).

The resident will have the opportunity during the period from the completion of the initial inspection until termination of the Lease Agreement to remedy the deficiencies.

Following the final inspection (post Move-Out), the LACDA may deduct from the security deposit items not cured, items which occurred after the initial inspection, or items not identified during the initial inspection due to the presence of the resident's possessions.

***Self-Inspections (Annual) [24 CFR 5.707]***

The LACDAs will conduct self-inspections at each of the LACDA owned properties/developments, including all units, to ensure units are maintained in accordance with NSPIRE standards in 24 CFR 5.703. As part of the self-inspection process, LACDA will ensure that deficiencies previously cited and repaired as a result of an NSPIRE inspection have not subsequently failed.

The LACDA will maintain the inspection results of self-inspections for three years and will provide the results to HUD upon request.

***Quality Control Inspections***

The purpose of quality control inspections is to assure that all defects were identified in the original inspection, and that repairs were completed and within an acceptable time frame.

**LACDA Policy**

Supervisory quality control inspections will be conducted periodically in accordance with the LACDA's maintenance plan. The quality control inspections will determine the condition of the unit and to identify problems or issues in which the LACDA can be of service to the family and to assure that repairs were completed at an acceptable level of craftsmanship and within an acceptable time frame.

The LACDA will conduct quality control inspections of not less than 5% of all units.

### ***Special Inspections***

#### **LACDA Policy**

The LACDA may conduct a special inspection for housekeeping, unit condition, or suspected lease violation every 30 days for one year. Tenants will have 30 days to correct any deficiencies noted by the LACDA and may be subject to one or more follow-up inspections.

HUD representatives or local government officials may review LACDA operations periodically and as a part of their monitoring may inspect a sampling of the LACDA's inventory.

LACDA staff may conduct a special inspection for any of the following reasons:

Housekeeping

Unit condition

Suspected lease violation

Preventive maintenance

Routine maintenance

There is reasonable cause to believe an emergency exists

### ***Other Inspections***

#### **LACDA Policy**

Building exteriors, grounds, common areas and systems will be inspected according to the LACDA's maintenance plan.

### **Notice of Entry**

#### ***Non-emergency Entries [24 CFR 966.4(j)(1)]***

The LACDA may enter the unit, with reasonable advance notification to perform routine inspections and maintenance, make improvements and repairs, or to show the unit for re-leasing. A written statement specifying the purpose of the LACDA entry delivered to the dwelling unit at least two days before such entry is considered reasonable advance notification.

#### **LACDA Policy**

The LACDA will notify the resident in writing at least 48 hours prior to any non-emergency inspection.

For regular annual self-inspections, the family will receive at least two weeks written notice of the inspection to allow the family to prepare the unit for the inspection.

Entry for repairs requested by the family will not require prior notice. Resident-requested repairs presume permission for the LACDA to enter the unit.

Except for emergencies, management will not enter the dwelling unit to perform inspections where a pet resides unless accompanied for the entire duration of the inspection by the pet owner or responsible person designated by the pet owner in accordance with the pet policies in Section 10-II.D.

The LACDA staff will allow access to the unit to proper authorities when issues of health or safety of the resident are concerned.

***Emergency Entries [24 CFR 966.4(j)(2)]***

The LACDA may enter the dwelling unit at any time without advance notice when there is reasonable cause to believe that an emergency exists. In addition, the LACDA may conduct an emergency inspection without a work order and generate a work order after the inspection has been conducted. Repairs are to be completed within 24 hours from the time the work order is issued. If no adult household member is present at the time of an emergency entry, the LACDA will leave a written statement (i.e., door tag) showing the date, time, and purpose of the entry prior to leaving the dwelling unit.

## **Scheduling of LACDA-Conducted Inspections**

### LACDA Policy

Inspections will be conducted during business hours. If a family needs to reschedule an inspection, they must notify the LACDA at least 24 hours prior to the scheduled inspection. The LACDA will reschedule the inspection no more than once unless the resident has a verifiable good cause to delay the inspection. The LACDA may request verification of such cause.

## **Attendance at Inspections**

Residents are required to be present for move-in inspections [24 CFR 966.4(i)]. There is no such requirement for other types of inspections.

### LACDA Policy

While the resident is required to be present for move-in inspections, the resident is **not** required to be present for other types of inspections. The resident may attend the inspection if they wish.

If no one is at home, the inspector will enter the unit, conduct the inspection, and will provide a copy of the inspection results to the resident no later than two weeks from the inspection date.

## **Repairs**

Correction timeframes differ depending on whether repairs are considered emergency or non-emergency repairs.

### ***Emergency Repairs [24 CFR 966.4(h)]***

If the unit is damaged to the extent that conditions are created which are hazardous to the life, health, or safety of the occupants, the tenant must immediately notify the LACDA of the damage, and the LACDA will make the repairs within a reasonable time frame. Under NSPIRE, the LACDA will correct all Life-Threatening and Severe deficiencies within 24 hours.

If the damage was caused by a household member or guest, the LACDA will charge the family for the reasonable cost of repairs. The LACDA may also take lease enforcement action against the family.

### ***Non-emergency Repairs***

#### LACDA Policy

The LACDA will correct deficiencies resulting in a non-emergency work order identified during a LACDA conducted inspection within five (5) working days of the inspection date. If the LACDA is unable to make repairs within that period due to circumstances beyond the LACDA's control (e.g., required parts or services are not available, weather conditions, etc.) the LACDA will notify the family of an estimated date of completion.

The family must allow the LACDA access to the unit to make repairs.

Except for emergencies, management will not enter the dwelling unit to perform repairs where a pet resides unless accompanied for the entire duration of the repair by the pet

owner or responsible person designated by the pet owner in accordance with the pet policies in Section 10-II.D.

## **Resident-Caused Damages**

### LACDA Policy

Damages to the unit beyond wear and tear will be billed to the tenant in accordance with the policies in 8-I.F., Maintenance and Damage Charges. The LACDA Inspection results will indicate whether required corrections are to be charged to the resident or covered by the LACDA. Repeated failed inspections or damages to the unit beyond normal wear and tear may constitute serious or repeated lease violations.

## **Housekeeping**

### LACDA Policy

Residents whose housekeeping habits pose a non-emergency health or safety risk, encourage insect or rodent infestation, or cause damage to the unit are in violation of the lease. In these instances, the LACDA will provide proper notice of a lease violation.

A reinspection will be conducted within 30 days to confirm that the resident has complied with the requirement to abate the problem. Should the resident “fail” the housekeeping inspection, the LACDA will conduct such inspections every 30 days for a 12 month to abate the problem. A reinspection is considered a violation of the lease and may result in termination of tenancy in accordance with Chapter 13.

Notices of lease violation will also be issued to residents who purposely disengage the unit’s smoke detector and/or carbon monoxide alarm.

## **8-II.C. NSPIRE INSPECTIONS [24 CFR 5.705(c); Notice PIH 2023-16]**

During an NSPIRE inspection, REAC inspectors will inspect areas and associated items or components that are listed in the regulations as affirmative requirements and those included within the NSPIRE standards. For most properties, the frequency of NSPIRE inspections is determined by the date of the prior inspection and the score received.

### **Notice to Residents [Notice PIH 2023-16]**

The LACDA must provide notice to all residents as described in 24 CFR 5.711(h) and the lease.

#### LACDA Policy

The LACDA will provide all residents with at least seven (7) days' notice of an NSPIRE inspection. Notice will be provided through multiple communication methods, including by posted notice on each resident's door and through email where applicable. All materials, notices, and communications to families regarding the inspection will be clearly communicated and provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities consistent with Section 504 of the Rehabilitation Act (Section 504) and HUD's Section 504 regulation, and Titles II or III of the Americans with Disabilities Act (ADA) and implementing regulations.

## **24-Hour Corrections [24 CFR 5.711(c); Notice PIH 2023-16]**

The LACDA must correct all Life-Threatening and Severe deficiencies within 24 hours, with certification of correction submitted to HUD within two business days of receipt of notification of the deficiency. List of Life-Threatening deficiencies are provided by HUD.

If permanent repair will take longer than the allowable time in the relevant standard for the deficiency, the LACDA will provide HUD with a timeframe for completing permanent repairs and submit evidence that the repair is in progress. Any extension to the allowable time for rectifying the deficiency is allowed only upon HUD approval for good cause.

### LACDA Policy

The LACDA will correct all Life-Threatening and Severe deficiencies within 24 hours. Correcting the deficiency means the LACDA will resolve or sufficiently address the deficiency in a manner that it no longer poses a severe health or safety risk to residents, or the hazard is blocked until permanent repairs can be completed. A correction could include controlling or blocking access to the hazard by performing a temporary relocation of the resident while repairs are made.

While the LACDA will complete all repairs expeditiously, if a permanent repair is not possible within 24-hours, the LACDA will correct the deficiency by performing an interim repair to remove the health and safety hazard. If the correction is temporary or professional services or materials are unavailable within 24 hours, the LACDA will provide a target date for permanent correction. Such interim repairs will be fully completed within a reasonable timeframe approved by HUD.

The family must allow the LACDA access to the unit to make repairs.

## **Non-emergency Repairs**

Under NSPIRE, the LACDA must correct Moderate deficiencies within 30 days and Low deficiencies within 60 days, or as otherwise provided in the NSPIRE standards. Repairs should be permanent fixes, unless otherwise approved by HUD in writing. HUD may also prescribe timelines in Corrective Action Plans as defined in 24 CFR 902.3 or Corrective Action Agreements as described in 24 CFR 902.105.

### LACDA Policy

If the LACDA is unable to make repairs within the periods identified in the NSPIRE standards due to circumstances beyond the LACDA's control (e.g., required parts or services are not available, weather conditions, etc.), the LACDA will provide HUD with a timeframe for completing permanent repairs and obtain HUD approval. The LACDA will also notify the family of an estimated date of completion.

The family must allow the LACDA access to the unit to make repairs.

Except for emergencies, management will not enter the dwelling unit to perform repairs where a pet resides unless accompanied for the entire duration of the repair by the pet owner or responsible person designated by the pet owner in accordance with the pet policies in Section 10-II.D.



## EXHIBIT 8-1: SMOKE-FREE POLICY

In accordance with HUD regulations, the LACDA has adopted these smoke-free policies. The policies are effective as of Board approval date.

Due to the increased risk of fire, increased maintenance costs, and the known health effects of secondhand smoke, smoking is prohibited in all living units and interior areas, including but not limited to hallways, rental and administrative offices, community centers, day care centers, laundry centers, and similar structures. Smoking is also prohibited in outdoor areas within 25 feet from public housing and administrative office buildings.

This policy applies to all employees, residents, household members, guests, and vendors. Residents are responsible for ensuring that household members and guests comply with this rule.

The term “smoking” means any inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other prohibited tobacco product in any manner or any form. Prohibited tobacco products include water pipes or hookahs.

Violation of the smoke-free policy constitutes a violation of the terms of the LACDA lease. Consequences of lease violations include termination of tenancy.

### LACDA POLICY

#### **Non- Smoking Enforcement**

The LACDA strictly prohibits smoking on all our properties except at the South Bay Gardens senior housing development located at 230 E. 130th Street, Los Angeles CA 90061. The term “smoking” means inhaling, exhaling, breathing, or carrying or possessing any lighted cigarette, cigar, pipe, hookah or other prohibited tobacco, marijuana, or similar lighted product in any manner or in any form. Additionally, “smoking” also includes but is not limited to the use of an electronic cigarette (e-cig or e-cigarette), a personal vaporizer (PV) or an electronic nicotine delivery system (ENDS).

The smoke free policy applies to all residents, guests, visitors, vendors, and staff. At South Bay Gardens, smoking is only permitted in one specified open area that is located at least 25 feet away from a LACDA building and is clearly labeled as a “Smoking Designated Area”.

The LACDA may terminate the Lease for a material or continuing breach of the Public Housing Non-Smoking Lease Addendum. Additionally, Residents are financially responsible for the mitigation of any damages caused by smoking in their unit or caused by smoking in non-smoking areas on the LACDA’s premises. Residents shall pay for these damages as set forth in the Lease as “Other Charges”. Costs may include but are not limited to cleaning, sealing, painting, deodorizing, duct cleaning, and possible replacement of fixtures and various surface materials.

The LACDA would like to mitigate (i) the irritation and known health effects of secondhand smoke; (ii) the increased maintenance and cleaning costs from smoking; (iii) the increased risk of fire from smoking; and (iv) the higher costs of fire insurance for a non-smoke-free building.

Residents, members of the Resident's household or their guests/visitors are strictly prohibited to smoke on the premises occupied by the Resident and members of the Resident's household in any common areas, including but not limited to: community rooms, community bathrooms, lobbies, reception areas, hallways, laundry rooms, stairways, offices and elevators, playground areas, entry ways, porches, balconies and patios. Smoking is strictly prohibited on all of the LACDA's properties, except for the designated smoking area at the South Bay Gardens housing development, including individual units, common areas, every building and adjoining grounds. A Resident, members of the Resident's household or their guests/visitors shall not smoke anywhere in Non-Smoking Areas. The Resident may not permit any guests or visitors under the control of the Resident to smoke in Non-Smoking Areas.

### **Resident to Promote Non-Smoking Policy and to Alert the LACDA of Violations**

Residents shall inform Resident's guests or visitors of the non-smoking policy. Residents are also encouraged to promptly submit to Management a written statement of any incident where tobacco smoke is migrating into the Resident's unit from sources outside of the Resident's unit.

### **Vendors and LACDA Staff**

Vendors and LACDA staff on LACDA premises must also adhere to the non-smoking policies delineated in this chapter.

### **Promotion of Non-Smoking Policy**

Management shall post no-smoking signs at entrances and exits, in common areas, and in conspicuous locations adjoining the grounds of Non-Smoking Areas.

### **The LACDA Not a Guarantor of Smoke-Free Environment**

The LACDA's adoption of a non-smoking living environment does not make the LACDA the guarantor of the Resident's, members of the Resident's household or their guests/visitors health or of the non-smoking condition of the Resident's unit and common areas. However, the LACDA shall take reasonable steps to enforce the non-smoking terms as set forth in the Lease Addendum and ACOP and to make the Non-Smoking Area as smoke-free as is reasonably possible. The LACDA is not required to take steps in response to smoking unless the LACDA is aware of said smoking or has been given written notice of said smoking.

### **LACDA Disclaimer**

The LACDA's adoption of a non-smoking living environment does not in any way change the standard of care that the LACDA would provide to a resident household to render buildings and premises designated as non-smoking any safer, more habitable, or improved in terms of air quality standards than any other rental premises. The LACDA specifically disclaims any implied or express warranties that the building, common areas, or Resident's premises will have any higher or improved air quality standards than any other rental property. The LACDA cannot and does not warrant or assert that the rental premises or common areas will be free from secondhand smoke. The LACDA's ability to police, monitor, or enforce the agreements of the Lease Addendum is dependent in significant part on voluntary compliance by the Resident and Resident's guests/visitors. Residents and Resident's guests/visitors with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are put on notice that the

LACDA does not assume any higher duty of care to enforce the Public Housing Non-Smoking Lease Addendum than any other LACDA obligation under the Lease.

## **Chapter 9**

### **REEXAMINATIONS**

[24 CFR 960.257, 960.259, 966.4]

#### **INTRODUCTION**

The LACDA is required to reexamine each family's income and composition periodically, and to adjust the family's rent accordingly. The LACDA has adopted policies for conducting annual and interim reexaminations that are consistent with regulatory requirements and will conduct reexaminations in accordance with such policies [24 CFR 960.257(c)].

The frequency with which the LACDA must reexamine the income and composition of a family depends on whether the family pays income-based rent or flat rent. HUD requires the LACDA to offer all families the choice of paying income-based rent or flat rent at least annually. The LACDA's policies for offering families a choice of rents are located in Chapter 6.

This chapter discusses both annual and interim reexaminations.

Part I: Annual Reexaminations for Families Paying Income Based Rents. This part discusses the requirements for annual reexamination of income and family composition. Full reexaminations are conducted at least once a year for families paying income-based rents.

Part II: Reexaminations for Families Paying Flat Rents. This part contains the LACDA's policies for conducting full reexaminations of family income and composition for families paying flat rents. These full reexaminations are conducted at least once every three years. This part also contains the LACDA's policies for conducting annual updates of family composition for flat rent families.

Part III: Interim Reexaminations. This part includes HUD requirements and LACDA policies related to when a family may and must report changes that occur between annual reexaminations.

Part IV: Recalculating Resident Rent. After gathering and verifying required information for an annual or interim reexamination, the LACDA will recalculate the resident rent. While the basic policies that govern these calculations are provided in Chapter 6, this part describes the policies that affect these calculations during a reexamination.

Part V: Non-Interim Reexamination Transactions. This part describes transactions that do not entail changes to the family's adjusted income.

Policies governing reasonable accommodation, family privacy, required family cooperation, and program abuse, as described elsewhere in this ACOP, apply to annual and interim reexaminations.



## **PART I: ANNUAL REEXAMINATIONS FOR FAMILIES PAYING INCOME-BASED RENTS**

24 CFR 960.257

### **9-I.A. OVERVIEW**

For those families who choose to pay income-based rent, the LACDA will conduct a reexamination of income and family composition at least annually [24 CFR 960.257(a)(1)]. With the exception of over-income families, who must have their income reviewed at 12 and 24 months. For flat rent families, the LACDA will conduct a reexamination of family composition at least annually and will conduct a reexamination of family income at least once every three years [24 CFR 960.257(a)(2)]. Policies related to the reexamination process for families paying flat rent are located in Part II of this chapter.

For all residents of public housing, whether those residents are paying income-based or flat rents, the LACDA will conduct an annual review of community service requirement compliance.

The LACDA is required to obtain all of the information necessary to conduct reexaminations. How that information will be collected is left to the discretion of the LACDA. Families are required to provide current and accurate information on income, assets, allowances and deductions, family composition and community service compliance as part of the reexamination process [24 CFR 960.259].

Unlike when performing an interim reexamination or at intake, at annual reexamination, the LACDA will determine the income of the family for the previous 12-month period, except where the LACDA uses a streamlined income determination. Income from assets, however, is always anticipated, irrespective of the income examination type [Notice PIH 2023-27]. The LACDA also has the option of using a “safe harbor” income verification from another federal means-tested program to verify gross annual income. Chapter 7 contains the LACDA’s policies related to streamlined income determinations and the use of safe harbor income verifications.

This part contains the LACDA’s policies for conducting annual reexaminations.

## **9-I.B. SCHEDULING ANNUAL REEXAMINATIONS**

The PHA must establish a policy to ensure that the annual reexamination for each family paying an income-based rent is completed within a 12-month period [24 CFR 960.257(a)(1)].

### LACDA Policy

Generally, the LACDA will schedule annual reexaminations to coincide with the family's anniversary date. The LACDA will begin the annual reexamination process approximately 120 days in advance of the scheduled effective date.

*Anniversary date* is defined as 12 months from the effective date of the family's last annual reexamination or, during a family's first year in the program, from the effective date of the family's initial examination (admission).

If the family transfers to a new unit, a new annual reexamination (50058 Action Type 2 or 12) will not be conducted, unless the actual move in date occurs on the household's annual reexamination date or Flat Rent update. The anniversary date will not change upon the completion of the transfer.

The LACDA may also schedule an annual reexamination for completion prior to the anniversary date for administrative purposes.

## **Notification of and Participation in the Annual Reexamination Process**

The PHA is required to obtain information needed to conduct annual reexaminations. How that information will be collected is left to the discretion of the PHA. However, PHAs should give residents who were not provided the opportunity to provide contact information at the time of admission the option to complete Form HUD-92006 at this time. The PHA should provide the family with the opportunity to update, change, or remove information from the HUD-92006 at the time of the annual reexamination [Notice PIH 2009-36].

### LACDA Policy

Annual reexaminations will be conducted by mail, in person, or Resident Rent Café Portal. Notification of the annual reexamination will be sent by first-class mail or through the Resident Rent Café Portal which will inform the family of the information and documentation that must be provided to the LACDA, and the deadline for providing it. Documents will be accepted by mail, through the Resident Rent Café Portal, by fax, or in-person. The LACDA will, however, conduct reexams in person if requested as a reasonable accommodation or by LEP persons. Reasonable accommodation requests will be handled in accordance with policies in Chapter 2. Further, an in-person interview will be scheduled if the family requests assistance in providing information or documentation requested by the PHA or if the required paperwork is not returned timely, or if it is returned timely but is not complete.

If the family is unable to submit the completed annual reexamination timely, the family should contact the LACDA five (5) calendar days in advance of the due date to request an extension. In all circumstances, if a family does not submit the completed annual reexamination by the due date the LACDA will send a second notification with a new due date and/or interview date.

The LACDA reserves the right to conduct annual reexamination interviews orally, in-person, or virtually when it deems it necessary to complete the annual reexamination process timely. All adult family members may be required to attend the interview. If the head of household fails to attend the scheduled interview, the family will be considered delinquent.

If a family fails to submit the completed annual reexamination by the due date twice or fails to attend two scheduled interviews without LACDA approval, the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

An advocate, interpreter, or other assistant may assist the family in the interview process.

## 9-I.C. CONDUCTING ANNUAL REEXAMINATIONS

The terms of the public housing lease require the family to furnish information regarding income and family composition as may be necessary for the redetermination of rent, eligibility, and the appropriateness of the housing unit [24 CFR 966.4(c)(2)].

### LACDA Policy

Families will be asked to provide all required information (as described in the reexamination notice) during the reexamination process. The required information will include a LACDA-designated reexamination packet as well as supporting documentation related to the family's income, expenses, assets, and family composition. This is the initial notice.

If the family fails to submit any required document(s) and/or signature(s) by the due date or the time of the interview, the LACDA will send a second written notice (i.e. *Notice for Request of Documents*) to the family. The family will have 10 business days from the date of the second notice to provide the missing information or documentation to the LACDA.

If the family's submission is incomplete, or the family does not submit the information in the required time frame, the LACDA will send a final written notice to the family. The family will have 10 business days from the date of the final notice to provide the missing information or documentation to the LACDA.

If the family does not provide the required documents or information within the required time frame, the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

The information provided by the family generally must be verified in accordance with the policies in Chapter 7. Unless the family reports a change, or the agency has reason to believe a change has occurred in information previously reported by the family, certain types of information that are verified at admission typically do not need to be re-verified on an annual basis. These include:

- Legal identity
- Age
- Social security numbers
- A person's disability status
- Citizenship or immigration status

### **9-I.D. CALCULATING ANNUAL INCOME AT ANNUAL REEXAMINATION [24 CFR 5.609(c)(2) and Notice PIH 2023-27]**

The LACDA will determine the income of the family for the previous 12-month period and use this amount as the family income for annual reexaminations, except where the LACDA uses a streamlined income determination as indicated in Chapter 7 of this policy.

Except when using streamlined income determinations, in determining the income of the family for the previous 12-month period, any change of income since the family's last annual reexamination, including those that did not meet the threshold to process an interim reexamination in accordance with LACDA policies and 24 CFR 5.657(c) or 960.257(b) must be considered.

Income from assets is always anticipated, irrespective of the income examination type.

Cost of Living Adjustments (COLA) to Social Security income and Social Security disability income are always considered changes to income because the COLA is an adjustment that automatically occurs annually by law. See Chapter 6 for LACDA policies on when the COLA is applied and Chapter 7 on streamlined determination of income for inflationary adjustments.

Notice PIH 2023-27 lists the following steps to calculate both earned and unearned income at annual reexamination.

**Step 1:** The LACDA determines annual income for the previous 12-month period by reviewing the following information:

- The EIV Income Report pulled within 120 days of the effective date of the annual reexamination;
- The income reported on the most recent HUD-50058; and
- The amount of prior-year income reported by the family on the LACDA's annual reexamination paperwork.

**Step 2:** The LACDA takes into consideration any interim reexamination of family income completed since the last annual reexamination.

- If there was an interim reexamination performed, the LACDA must use the annual income from the interim to determine the family's total annual income, provided there are no additional changes.
- If the LACDA did not perform an interim or there have been changes since the last reexamination, the LACDA moves to Step 3.

**Step 3:** If there were changes in annual income not processed by the LACDA since the last reexamination, the LACDA must use current income. The family will be required to report their income for the prior year and whether there have been permanent changes.

If there are no reported changes to an income source, the LACDA may use documentation of prior-year income to calculate the annual income. For example, the LACDA may use the following documentation:

- EIV + self-certification (wages, Supplemental Security Income (SSI), Social Security, and unemployment)
- Current written third-party verification from the source verifying prior-year income that is dated within 120 days of receipt by the LACDA, for example:
  - Year-end statements
  - Paycheck with year-to-date amounts
  - Tax forms (Form 1040, W2, 1099, etc.)

If there are reported changes by the family or the LACDA notes discrepancies between EIV and what the family reports, the LACDA must follow the verification hierarchy (described in Chapter 7) to document and verify income. Exhibit 9-1 provides detailed examples of how the LACDA calculates income from different sources at annual reexamination using the above method.

#### LACDA Policy

When income is calculated using a streamlined income determination in accordance with LACDA policies in Chapter 7, the above is not applicable. However, where the family disagrees with the LACDA determination of income or the LACDA has other reason to use third-party verification in these circumstances, then the above will apply.

## **9-I.E. OTHER CONSIDERATIONS**

### **Change in Unit Size**

Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. The LACDA may use the results of the annual reexamination to require the family to move to an appropriate size unit [24 CFR 960.257(a)(4)]. Policies related to such transfers are located in Chapter 12.

Additionally, HUD recommends that at annual reexaminations PHAs ask whether the resident, or any member of the resident's household, is subject to a lifetime sex offender registration requirement in any state [Notice PIH 2012-28].

#### LACDA Policy

At the annual reexamination, the LACDA will ask whether the resident, or any member of the resident's household, is subject to a lifetime sex offender registration requirement in any state and if there have been changes in criminal background activity. The LACDA will use the Dru Sjodin National Sex Offender database to verify the information provided by the resident. The LACDA may request the adult member to execute a consent form for a criminal background check if criminal activity has changed for that respective adult member.

The LACDA will propose to terminate assistance based on lifetime sex offender registration information, the LACDA will notify the household of the proposed action and will provide the subject of the record and the resident a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to termination. [24 CFR 5.903(f) and 5.905(d)]. (See Chapter 13.)

### **Compliance with Community Service**

For families who include nonexempt individuals, the LACDA will determine compliance with community service requirements once each 12 months [24 CFR 960.257(a)(3)].

See Chapter 11 for the LACDA's policies governing compliance with the community service requirement.

### 9-I.F. EFFECTIVE DATES

As part of the annual reexamination process, the LACDA will make appropriate adjustments in the rent after consultation with the family and upon verification of the information [24 CFR 960.257(a)(1)].

#### LACDA Policy

In general, an **increase** in the resident rent that results from an annual reexamination will take effect on the family's anniversary date, and the family will be notified at least 30 days in advance. A proper 30-day notice (*i.e.*, Annual Notice of Change to Public Housing Lease Agreement) will be provided to the family in accordance with State of California Code of Civil Procedure Section 1013. (a).

If less than 30 days remain before the scheduled effective date, the increase will take effect on the first of the month following the end of the 30-day notice period.

If the LACDA chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by the LACDA, but will always allow for the 30-day notice period.

If the family causes a delay in processing the annual reexamination, **increases** in the resident rent will be applied retroactively, to the scheduled effective date of the annual reexamination. The family will be responsible for any underpaid rent and may be offered a repayment agreement in accordance with the policies in Chapter 16.

In general, a **decrease** in the resident rent that results from an annual reexamination will take effect on the family's anniversary date.

If the LACDA chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by the LACDA.

If the family causes a delay in processing the annual reexamination, **decreases** in the resident rent will be applied prospectively, from the first day of the month following completion of the reexamination processing.

Delays in reexamination processing are considered to be caused by the family if the family fails to provide information requested by the LACDA by the date specified, and this delay prevents the LACDA from completing the reexamination as scheduled.



## **PART II: REEXAMINATIONS FOR FAMILIES PAYING FLAT RENTS**

[24 CFR 960.253(f)]

### **9-II.A. OVERVIEW**

HUD requires that the LACDA offer all families the choice of paying income-based rent or flat rent at least annually. The LACDA's policies for offering families a choice of rents are located in Chapter 6.

For families who choose flat rents, the LACDA must conduct a reexamination of family composition at least annually and must conduct a reexamination of family income at least once every three years [24 CFR 960.253(f)]. The LACDA is only required to provide the amount of income-based rent the family might pay in those years that the LACDA conducts a full reexamination of income and family composition, or upon request of the family after the family submits updated income information [24 CFR 960.253(e)(2)]. However, these regulations are not applicable to over-income families. Once an over-income determination is made, the LACDA will conduct an interim reexamination at 12 and 24 months, as applicable, to determine if the family remains over-income [Notice PIH 2023-03].

As it does for families that pay income-based rent, the LACDA will also review compliance with the community service requirement for families with nonexempt individuals.

This part contains the LACDA's policies for conducting reexaminations of families who choose to pay flat rents.

## 9-II.B. FULL REEXAMINATION OF FAMILY INCOME AND COMPOSITION

### Frequency of Reexamination

#### LACDA Policy

For families paying flat rents, the LACDA will conduct a full reexamination of family income and composition once every three years.

However, for flat rent families who become over-income, this policy will not apply. The LACDA will instead conduct an interim reexamination at 12 and 24 months following the initial over-income determination as needed to verify the family remains over-income. The family will continue to be given a choice between income-based and flat rent at each annual reexamination during the over-income grace period.

If the family is subsequently determined to no longer be over-income:

If the determination is the result of an annual reexamination, the family will be given a choice between income-based or flat rent at reexam. If the family selects flat rent, the LACDA will resume reexamination of family income and composition once every three years.

If determination is as a result of an interim reexamination, the LACDA will conduct an annual reexamination for the family at their next scheduled annual date. If the family selects flat rent, the LACDA will resume reexamination of family income and composition once every three years. Families will only be given the choice between income-based and flat rent at annual reexamination.

### Reexamination Policies

#### LACDA Policy

In conducting full reexaminations for families paying flat rents, the LACDA will follow the policies used for the annual reexamination of families paying income-based rent as set forth in Sections 9-I.B through 9-I.E above.

For those families that choose to pay the Flat Rent, the amount the family pays **are not locked in for the three (3) year period**. Instead, the LACDA revises the flat rent amount **annually** based on HUD's SAFMR's. Families currently paying the flat rent amount will be offered the choice between the updated annual flat rent amount, and the previously calculated income-based rent. For families that elect to pay flat rent, the LACDA will conduct a reexamination of family income at least once every 3 years, not annually.

### **9-II.C. REEXAMINATION OF FAMILY COMPOSITION (“ANNUAL UPDATE”)**

As noted above, if full reexaminations are conducted every three years for families paying flat rents, in the years between full reexaminations, regulations require the LACDA to conduct a reexamination of family composition (“annual update”) [24 CFR 960.257(a)(2)]. Over-income families who select the flat rent are not subject to annual update as their income must be reviewed, and an interim reexamination conducted, at 12 and 24 months as applicable.

The annual update process is similar to the annual reexamination process, except that the LACDA does not collect information about the family’s income and expenses, and the family’s rent is not recalculated following an annual update.

#### **Scheduling**

The PHA must establish a policy to ensure that the reexamination of family composition for families choosing to pay the flat rent is completed at least annually [24 CFR 960.257(a)(2)].

##### LACDA Policy

For families paying flat rents, annual updates will be conducted in each of the 2 years following the full reexamination.

In scheduling the annual update, the LACDA will follow the policy used for scheduling the annual reexamination of families paying income-based rent as set forth in Section 9-I.B. above.

#### **Conducting Annual Updates**

The terms of the public housing lease require the family to furnish information necessary for the redetermination of rent and family composition [24 CFR 966.4(c)(2)].

##### LACDA Policy

In order to be recertified, families are required to provide current and accurate information on income, assets, allowances and deductions, and family composition. Families are required to report and certify this information by completing a Personal Declaration with the LACDA. Additionally, families must complete HUD form-92006 “Supplement to Application for Federally Assisted Housing” annually at recertification which updates, removes or changes resident contact and emergency information. All documents provided to the LACDA must be legible.

Effective July 1, 2023, the LACDA will provide the families the opportunity to conduct their annual reexaminations online via the LACDA’s online portal, referred to as the Yardi Rent Café Portal, or submit their paper packet. For families who have language barriers and/or need assistance in accessing the online system, the LACDA will provide accommodations as necessary to ensure that the family can submit the required information and documents through the online system. For people limited by a disability, the LACDA will engage in any necessary discourse to identify other reasonable alternatives to address the needs of the person that is limited by the disability to ensure that the annual reexamination requirement is fulfilled.

### **Streamline Annual Recertification for Households with Fixed Income**

The LACDA will now streamline the annual re-examination process by applying the verified Cost of Living Adjustment (COLA) or interest rate to fixed-income sources. The LACDA will document in the file how the determination is made that a source of income is fixed income. Third party verification of fixed sources of income will be obtained during the admissions process and at least once every three years thereafter. If a family member with a fixed source of income is added, the LACDA will use third-party verification of all income amounts for that family member. If verification of the COLA or rate of interest is not available, the LACDA will obtain third-party verification of income amounts. Under discretionary policy, third-party verification of non-fixed income will be obtained annually regardless of the percentage of family's income received from fixed income sources. At least 90% of the household's annual income must be from fixed income source to be eligible for the Streamline Annual Recertification. At the LACDA's discretion, the LACDA may obtain third-party verification of all income, regardless of the source. Furthermore, upon request of the family, the LACDA must perform third-party verification of all income sources. Under this policy, fixed sources of income include Social Security (SS) benefits, Supplemental Security Income (SSI), private and public pensions, annuities, disability or death benefits, and other sources of income subject to a COLA or rate of interest.

### **Timing of the Annual Recertification**

Families who choose flat rent are to be recertified every three years. For those families that choose to pay the Flat Rent, the amount the family pays is not locked in for the three year period. Instead, the LACDA revises the flat rent amount annually based on the findings of the LACDA's rent reasonableness and changes to the SAFMRs. Families currently paying the flat rent amount will be offered the choice between the updated flat rent amount, and the previously calculated income-based rent.

For families who move in on the first of the month, the annual re-certifications will be completed within 12 months of the anniversary of the move-in date. (Example: If family moves in August 1, the annual recertification will be conducted to be effective on August 1, the following year).

For families who move after the first of the month, the annual recertification will be completed no later than the first of the month in which the family moved in, the following year. (Example: If family moves in August 15, the effective date of the next annual recertification is August 1.)

When families transfer to another unit or property (i.e., IPT/OPT transfer), the LACDA will require the family to update their income and family composition and a new Lease Agreement shall be executed, but under no circumstances shall the annual recertification take place later than twelve months from the last anniversary date.

### **Lease Anniversary Date and the Annual Recertification**

In order to have consistency between the Lease Anniversary and the Annual Recertification, the LACDA will adhere to the following:

Upon move-in, the date the resident and the LACDA execute the Lease Agreement will be the same effective date as the HUD Form 50058 (for example, the resident signs the Lease Agreement on November 1st, which will be the same date on the 50058 effective date).

The terms of the Lease Agreement, as stated previously, will be for a 12-month period (i.e., November 1st through October 31st of the following year) and the 50058 will be completed to coincide with the anniversary date (for Lease Agreements executed on the first of the month).

However, for Lease Agreements executed after the 1st of the month (i.e., November 15th), the recertification date for the following year will take place on the first of the month in which the family moved in (i.e., November 1st of the following year).

### **Recertification Notice to the Family**

All families will be notified in writing of their obligation to recertify annually. The notification shall be provided at least 120 calendar days in advance of the anniversary date. If requested as an accommodation by a person with a disability, the LACDA will provide the notice in an accessible format. The LACDA will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

Effective July 01, 2020, the LACDA will no longer execute a lease renewal agreement, unless there is a change in family composition, change in location of rent unit, or change in lease agreement terms. The LACDA will serve the family the Annual Notice of Change to Public Housing Lease Agreement (“Addendum”). The Addendum will also reference the last effective date of the most current signed lease.

### **Persons with Disabilities**

Persons with disabilities, who are unable to come to the LACDA’s office will be granted an accommodation of conducting the interview at the person’s home/by mail/hospital, upon verification that the accommodation requested meets the need presented by the disability.

### **Requirements to Attend**

The LACDA may conduct an oral, personal, or virtual annual reexamination interview. All adult family members may be required to attend the recertification interview.

If the head of household is unable to attend the interview, the appointment will be rescheduled.

### **Failure to Respond to Notification to Recertify**

The written notification will explain which family members are required to attend the recertification interview. The family may call to request another appointment date up to five (5) calendar days prior to the interview.

If the family does not appear for the recertification interview and has not rescheduled or made prior arrangements with the LACDA, the LACDA will reschedule a second appointment.

Exceptions to these policies may be made by the Property Manager if the family is able to document an emergency situation that prevented them from canceling or attending the appointment.

### **Documents Required from the Family**

The LACDA will include instructions in the Annual Reexamination packet for the family to provide the following, but not limited to:

Documentation of income for all family members

Documentation of liquid and non-liquid assets

Documentation to substantiate any deductions or allowances

Annual Reexamination packet must be completed and signed by all adult family members

HUD form-92006 to update, remove or change the contact information

If the family does not provide the required documents or information by the established due date, the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

***Change in Unit Size***

Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. The LACDA may use the results of the annual update to require the family to move to an appropriate size unit [24 CFR 960.257(a)(4)]. Policies related to such transfers are located in Chapter 12.

***Compliance with Community Service and Self-Sufficiency Requirements (CSSR)***

For families who include nonexempt individuals, the LACDA will determine compliance with community service requirements once each 12 months [24 CFR 960.257(a)(3)].

See Chapter 11 for the LACDA's policies governing compliance with the CSSR.

### **PART III: INTERIM REEXAMINATIONS**

24 CFR 960.257(b); 24 CFR 966.4; and Notice PIH 2023-27

#### **9-III.A. OVERVIEW**

Family circumstances may change during the period between annual reexaminations. HUD and LACDA policies define the types of information about changes in family circumstances that must be reported, and under what circumstances the LACDA will process interim reexaminations to reflect those changes.

A family may request an interim determination of family income or composition because of any changes since the last determination. The LACDA will conduct any interim reexamination within a reasonable period of time after the family request or when the LACDA becomes aware of a change in the family's adjusted income that must be processed in accordance with HUD regulations. What qualifies as a "reasonable time" may vary based on the amount of time it takes to verify information, but the LACDA generally should conduct the interim reexamination not longer than 30 days after the LACDA becomes aware of changes in income.

Notice PIH 2023-27 changes the conditions under which interim reexaminations must be conducted, codifies when interim reexaminations should be processed and made effective, and requires related changes for annual reexaminations and streamlined income determinations. When the LACDA determines that an interim reexamination of income is necessary, they must ask the family to report changes in all aspects of adjusted income.

### **9-III.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION**

#### **Reporting**

PHAs must require families to report household composition changes; however, PHAs determine the timeframe in which reporting happens [Notice PIH 2023-27]. The PHA must adopt policies prescribing when and under what conditions the family must report changes in family composition [24 CFR 960.257(b)(5)].

Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. Policies related to such transfers are located in Chapter 12.

#### **LACDA Policy**

All changes in family composition, including additions due to birth, adoption, foster adult, court-awarded custody of a minor approved by a social service agency, **must** be reported within ten (10) calendar days of the occurrence in writing. Changes in family composition include, but not limited to: birth, adoption, legal guardianship, if an adult child goes into the military and leaves the household, full-time students who attend school away from the home during school recess, court-awarded custody foster adult, and/or of a minor child approved by a social service agency (i.e. Department of Public Social Services, Department of Children and Family Services, etc.) Requests for the addition of a new member to the household must first be approved by the LACDA, prior to the actual move-in. The income from approved new household members will be included.

The LACDA will conduct interim reexaminations to account for any changes in household composition that occur between annual reexaminations.

#### **New Family Members Not Requiring Approval**

The addition of a family member as a result of birth, adoption, or court-awarded custody does not require LACDA approval. However, the family is required to report the addition writing within ten (10) calendar days from the occurrence to the LACDA of the addition [24 CFR 966.4(a)(1)(v)].

## **New Family and Household Members Requiring Approval**

With the exception of children who join the family as a result of birth, adoption, or court-awarded custody, a family must request to the LACDA approval to add a new family member [24 CFR 966.4(a)(1)(v)] or other household member (live-in aide or foster child) [24 CFR 966.4(d)(3)].

The LACDA may adopt reasonable policies concerning residence by a foster child or a live-in aide and defining the circumstances in which LACDA consent will be given or denied. Under such policies, the factors considered by the LACDA may include [24 CFR 966.4(d)(3)(i)]:

- Whether the addition of a new occupant may necessitate a transfer of the family to another unit, and whether such units are available.
- The PHA's obligation to make reasonable accommodation for persons with disabilities.

### LACDA Policy

Families must request LACDA approval to add a new family member, live-in aide, foster child, or foster adult. This includes any person not on the lease who is expected to stay in the unit for more than ten (10) consecutive days or a total of 14 cumulative calendar days during any 12-month period and therefore no longer qualifies as a "guest." Requests must be made in writing and approved by the LACDA prior to the individual moving into the unit.

If adding a person to a household (other than a child by birth, adoption, or court-awarded custody), the LACDA will consider whether the resident request to add a member(s) will exceed the occupancy limit for the unit; this will be a determining factor on whether to approve the request. Exceptions may be made on a case-by-case basis.

Furthermore, the LACDA will only approve the following additions to the lease (other than a child by birth, adoption, or court-awarded custody):

- Spouse/marital/domestic-type partner and the minor children of that person
- Minor child of the head of household, co-head, spouse/marital-type partner who has been living elsewhere
- Addition of Military adult child with a discharge date within 120 days from any of the US Armed Forces
- A disabled adult parent or child of the head of household/co-head who requires disability-required care
- Former household member(s) may be reinstated within 120 days after their move-out, if they are in good standing with the LACDA. Must meet the LACDA's eligibility criteria (see Chapter 3) and documentation requirements (See Chapter 7, Part II).
- Secondary Education Students - Former household members in good standing that were removed from the household while attending a secondary educational institution may be reinstated within 120 days from completion of their education program. Written verification from the registrar's office will be required.

Verification must include ongoing and consecutive enrollment status or an approved/authorized leave per the educational institution, or evidence of completion. Must meet the LACDA's eligibility criteria (see Chapter 3) and documentation requirements (See Chapter 7, Part II).

The LACDA will not approve the addition of a new family or household member unless the individual meets the LACDA's eligibility criteria (see Chapter 3), approved addition categories (see above), and documentation requirements (See Chapter 7, Part II).

If the LACDA determines that an individual does not meet the LACDA's eligibility criteria, approved addition categories, or documentation requirements, the LACDA will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial.

The LACDA will make its determination within 30 calendar days of receiving all information required to verify the individual's eligibility.

A new Lease Agreement for the household will be required when an authorized adult member is approved and added to the family composition. Only those members approved by the LACDA will be added to the lease.

Live-in aides do **not** have the right of tenancy and **cannot** be added to the families' Lease Agreement. Upon approval by the LACDA, a live-in aide can reside in the household. Live-in aides are required to execute a "Live-In Aide Agreement" with the LACDA.

Residents who fail to notify the LACDA of additions to the household, or who permit persons to join the household (includes permitting non-residents to utilize a resident's address), without undergoing screening are considered to have unauthorized occupants by the LACDA and are in violation of the lease and subject to termination of tenancy [24 CFR 966.4(f)(3)].

## **Departure of a Family or Household Member**

The family must promptly notify the LADCA if any household member (including a live-in aide, foster child, or foster adult) no longer lives in the unit. The LACDA will process an interim for all decreases in adjusted income when a family member permanently moves out of the unit.

### LACDA Policy

If a household member ceases to reside in the unit, the family must inform the LACDA within ten (10) calendar days, and the notice must contain a certification by the head of household [or spouse] that the member (who may be the head of household) removed is permanently absent. This requirement also applies to family members who had been considered temporarily absent, who are now permanently absent. The LACDA will consider any of the following as verification:

- Husband or wife institutes divorce action
- Husband or wife institutes legal separation.
- Order of protection/restraining order obtained by one family member against another.
- Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement, if available.
- Statements from other agencies such as social services that the adult family member is no longer living at that location.
- If the adult family member is incarcerated, a document from the Court or prison should be obtained stating how long they will be incarcerated.
- If the adult family member is permanently confined to a nursing home, verification is required from the nursing home.

The LACDA will process an interim as a result of a family member permanently moving out of the unit. The LACDA requires the family to execute a new lease renewal agreement when removing an adult member from the family composition.

The temporary absence of a child from the home, due to placement in foster care, may be considered in determining family composition and family size, which will be considered in determining bedroom size.

The LACDA may verify changes in family composition (either reported or unreported) through letters, telephone calls, leases, utility records, inspections, landlords, neighbors, credit data, school or Department of Motor Vehicle (DMV) records, and other sources. Verification of legal custody must be a court-ordered assignment or verification from a social service agency.

### 9-III.C. CHANGES AFFECTING INCOME OR EXPENSES

#### LACDA Policy

This section only applies to families paying income-based rent. Families paying flat rent are not required to report changes in income or expenses unless the family is switching rent because of hardship circumstances.

In the case of a family that has elected to pay the LACDA's flat rent, the LACDA shall, no later than the first of the month following the month the family reported the hardship, provide for the family to pay rent in the amount determined under income-based rent, during the period for which such choice was made for the following hardship circumstances:

- Situations in which the income of the family has decreased because of changed circumstances, loss of or reduction of employment through no fault of the individual, death in the family, and reduction in or loss of income or other assistance;
- An increase, because of changed circumstances, in the family's expenses for medical costs, childcare, transportation, education, or similar items; and
- Such other situations as may be determined by the LACDA.

The LACDA will verify all hardship situations. If a family has switched from flat rent to income-based rent because of hardship, the family shall remain on income-based rent until the next scheduled annual recertification, at which time the LACDA shall allow the family to elect whether to pay flat rent or income-based rent.

#### **Reporting Interim Changes - Interim Decreases [24 CFR 960.257(b)(2) and Notice PIH 2023-27]**

HUD allows the PHA's to adopt policies to decline to conduct an interim re-examination of family income if the LACDA estimates that the family's annual adjusted income will decrease by an amount that is **less than** ten (10) percent or such lower threshold.

As a discretionary policy, the LACDA **will not establish** a threshold of ten (10) percent or less. LACDA reaffirms it will continue to exercise its current interim re-examination policy for all **decreases** in the family's adjusted income or changes in family composition when a family reports the changes in writing.

LACDA will continue to process interim reexaminations for families that experience a loss or decrease in their income and changes in family composition.

A family may request an interim determination of family income for any change since the last determination.

The LACDA has some discretion, HUD requires that the LACDA perform an interim reexamination for a decrease in adjusted income of any amount in two circumstances:

When there is a decrease in family size attributed to the death of a family member; or

When a family member permanently moves out of the assisted unit during the period since the family's last reexamination.

In the above circumstances, the LACDA will perform an interim reexamination for any decrease in adjusted income.

#### LACDA Policy

The LACDA will conduct an interim reexamination any time the family's adjusted income has decreased by any amount, and/or there has been an increase in allowances or deductions, which would reduce the amount of the TTP.

The LACDA will initiate third-party verification of the decrease in income no later than five (5) calendar days after the resident reports the change to the LACDA. The LACDA will process a rent adjustment to be effective on the first day of the calendar month following the month in which the change in circumstances is reported result in a decrease in tenant rent. If the reduction in income is reported after the LACDA's cut-off date for the following months' rent set-up, Management will charge the resident the former, higher rent, subject to a credit when the circumstances of reduction are verified.

The LACDA will not process an interim reexamination if the family reports a loss of welfare benefits due to fraud, failure to participate in economic self-sufficiency programs, or noncompliance with a work activities requirement.

If the family has experienced a decrease in Social Security or SSI income due to an overpayment, the LACDA will calculate income based on the net amount only for the specific period of the decrease. Once the overpayment period is over, the LACDA will process an interim reexamination using the gross amount of Social Security or SSI. Verification will be required.

## **Reporting Interim Changes - Interim Increases [24 CFR 960.257(b)(3) and Notice PIH 2023-27]**

### ***Increases Less than 10 Percent***

LACDAs will not process interim reexaminations for income increases that result in less than a 10 percent increase in annual adjusted income.

### ***Increases 10 Percent or Greater***

LACDAs will conduct an interim reexamination of family income when the LACDA becomes aware that the family's adjusted income has changed by an amount that the LACDA estimates will result in an increase of ten (10) percent (formerly \$200/month or more) or more in adjusted income, with the following exceptions:

As a discretionary policy the LACDA require the families to **continue reporting** their income changes and/or family composition (i.e., earned/unearned income, assets, expenses, full-time student status, and family circumstances within ten (10) calendar days of the date of the occurrence. However, as required by HUD, the LACDA will now eliminate the \$200 (monthly) threshold. The LACDA will now conduct an interim reexamination when the family's annual adjusted income has change by an amount that would result in an estimated increase of ten (10) percent or more in annual adjusted income or other amount established through HUD notice.

When the family previously received an interim reexamination for a decrease to adjusted income during the same annual reexamination cycle, LACDA has the discretion whether to consider a subsequent increase in earned income.

### **LACDA Policy**

The LACDA will conduct an interim increase when the family experiences an increase in earned income that meets the 10 percent threshold, and the family previously had an interim decrease to the adjusted income (whether for earned income, unearned income, or a combination of the two) since their last annual.

The LACDA will not process an interim increase for earned income when a previous interim increase was performed resulting in an increase in the family's rent since the family's last annual. Additionally, the LACDA will not process an interim increase for earned income when the family has not had a previous interim decrease since their last annual.

The LACDA will process an interim reexamination for any increases in unearned income of 10 percent or more in adjusted income.

The LACDA will not perform an interim reexamination when a family reports an increase in income (whether earned or unearned income) within three months of their annual reexamination effective date. However, families who delay reporting income increases until the last three months of their certification period may be subject to retroactive rent increases in accordance with the LACDA policies in Chapter 15.

***Concurrent Increases in Earned and Unearned Income [Notice PIH 2023-27]***

When the family reports an increase in both earned and unearned income at the same time, the LACDA must look at the earned and unearned income changes independently of each other to determine if an interim reexamination is performed. The LACDA will only conduct an interim reexamination when the increase independently meets the 10 percent threshold and all other requirements for performing interim reexaminations. For example, if a family reported increases in both earned and unearned income that overall resulted in a 12 percent increase in their adjusted income, but the change in earned income represented a 7 percent increase and the change in unearned income represented a 5 percent increase, the LACDA may not perform an interim for either change since neither change meets the 10 percent threshold amount independently. If the change in unearned income met the 10 percent threshold in this case, the LACDA would be required to perform an interim. If the change in earned income met the 10 percent threshold in this case, the LACDA would refer to LACDA policy to determine whether an interim was required.

***Cumulative Increases [Notice PIH 2023-27]***

A series of smaller reported increases in adjusted income may cumulatively meet or exceed the 10-percent increase threshold, at which point the LACDA must conduct an interim reexamination in accordance with LACDA policy.

***Public Housing Over-Income Families [24 CFR 960.507(c); Notice PIH 2020-3; and Notice PIH 2023-27]***

Regardless of changes in adjusted income, in some circumstances the LACDA is required to conduct an interim reexamination to determine whether a family's income continues to exceed the public housing over-income limit. LACDAs are required to conduct income examinations of public housing families who have been determined to exceed the over-income limit at specific intervals. When a LACDA makes an initial determination that a family is over-income during an interim reexamination, the LACDA must conduct a second interim reexamination 12 months after the over-income determination, and then again 12 months after the second over-income determination, unless the family's income falls below the over-income limit during the 24-month period. This continued evaluation of the family's over-income status requires the LACDA to notify any family that exceeds the over-income limit that they remain over the income limit, even if the family is paying the flat rent [24 CFR 960.253]. An interim income reexamination to determine if a public housing family remains over-income does not reset the family's normal annual reexamination date.

### ***Family Reporting***

The LADCA must adopt policies consistent with HUD regulations prescribing when and under what conditions the family must report a change in family income or composition [24 CFR 960.257(b)(5)].

LACDA policy may require families to report only changes that the family estimates meet the threshold for an interim reexamination or the LACDA may establish policies requiring that families report all changes in income and household composition, and the LACDA will subsequently determine if the change requires an interim reexamination [Notice PIH 2023-27].

When the LACDA determines that an interim reexamination of income is necessary, they must ask the family to report changes in all aspects of adjusted income. For example, if the family is reporting a decrease in adjusted income that is more than 10 percent, but the family also had a change in assets that would result in a change in income, the change in assets must also be reviewed [Notice PIH 2023-27].

#### **LACDA Policy**

Families have an obligation to **report to management within ten (10) calendar days of its occurrence**, if there is an additional source of income for any eligible family member and/or change in income or the addition of a family member to the household at any time during their tenancy, including between annual re-certifications. This includes loss or addition of one or more family members through death, divorce, birth, adoption, court-awarded custody and/or where a social service agency (i.e. DPSS, DCFS, etc.) has approved the addition of a minor child to the household. The family must obtain LACDA approval prior to all other additions to the household.

An interim recertification will always be conducted under the following circumstances: If a new source of income occurs; there is an increase in existing income of 10% more of annual adjusted income; change in allowable deductions occurs (i.e., childcare, disability, citizenship eligible immigration status and full-time student status), including anticipated out of pocket (not reimbursed) medical expenses and/or auxiliary expenses. All income for a new family member will be counted and used to calculate the family's TTP.

Failure to disclose the aforementioned information is a material breach of the Lease Agreement. If the Resident or a member of his/her household misrepresents facts, omits any pertinent information, or fails to inform Management of information it requires for an annual reexamination or interim rent adjustment and these failures result in a lower rent than should have been charged, Management, in its sole discretion, may terminate the Lease for a material breach and/or make the rent increase retroactive to the date it would have been effective.

#### **Zero Income Households**

An interim recertification will be scheduled for families with zero income every 90 days. Additionally, the LACDA, at its discretion, can also schedule reviews in between regularly scheduled reviews to determine if an interim recertification is required.

If, during the course of an interim reexamination conducted for a reported decrease in income, it is discovered that a family member is no longer eligible for an allowance (i.e. a

minor has turned 18 and is no longer a full-time student), LACDA staff will determine how the loss of allowance will affect the TTP. If the loss of allowance results in an increase to the TTP, even though the family's income has decreased, the LACDA will not complete the interim reexamination unless requested by the family to do so.

If, during the course of an interim reexamination conducted for a reported change in family composition, it is discovered that a family member is no longer eligible for an allowance, the LACDA will continue to process the interim reexamination regardless of the effect on the TTP.

The family is required to report all changes in income, whether the change is to earned or unearned income, or if the change occurred during the last three months of the certification period. Families must report changes in income within 10 calendar days of the date the change takes effect. The family must notify the LACDA of changes in writing.

Within 30 calendar days of the family reporting the change, the LACDA will determine whether the change will require an interim reexamination.

If the change will not result in an interim reexamination, the LACDA will note the information in the resident file but will not conduct an interim reexamination. The LACDA will send the family written notification within 30 calendar days of making this determination informing the family that the LACDA will not conduct an interim reexamination.

If the change will result in an interim reexamination, the LACDA will determine the documentation the family will be required to submit based on the type of change reported and LACDA policies in Chapter 7. The LACDA will ask the family to report changes in all aspects of adjusted income at this time. The family must submit any required information or documents within 15 calendar days of receiving a request from the LACDA. If the family is non-responsive by the due date to a request for documentation, the LACDA will consider the family non-responsive. In such cases, the family will be advised in writing that the LACDA will not process the rent decrease and must start the process again if they want to receive the decrease. Should the family start the process again, the LACDA will not retroactively apply the rent decrease adjustment.

This time frame may be extended for good cause with LACDA approval. The LACDA will accept required documentation by mail, Resident Rent Café Portal, fax, or in person. The LACDA will conduct the interim within a reasonable time period based on the amount of time it takes to verify the information.

Generally, the family will not be required to attend an interview for an interim reexamination. However, if the LACDA determines that an interview is warranted, the family may be required to attend.

### 9-III.D. EFFECTIVE DATES

#### Changes Reported Timely [24 CFR 960.257(b)(6) and Notice PIH 2023-27]

The LACDA requires that families report any changes, such as change in family composition, to the LACDA within ten (10) calendar days of when the change occurs. Any information, document or signature needed from the family needed to verify the change must be provided within 15 calendar days of the reported change.

The LACDA may grant an extension for extenuating circumstances. However, if the family is non-responsive by the due date to a request for documentation, the LACDA will consider the family non-responsive. In such cases, the family will be advised in writing that the LACDA will not process the rent decrease and must start the process again if they want to receive the decrease. Should the family start the process again, the LACDA will not retroactively apply the rent decrease adjustment.

If the change is not reported within the required time period, or if the family fails to provide signatures, certifications or documentation, (in the time period requested by the LACDA), it will be considered untimely reporting.

If the family reports a change in family income or composition timely in accordance with LACDA policies:

- **For rent increases**, the LACDA will provide the family with 30 days advance written notice. The rent increase is effective the first of the month after the end of that 30-day notice period.
- **Rent decreases** are effective the first of the month following the month in which the change is reported. This means the decrease may be applied retroactively if decrease was completed following the month in which the change was reported. However, if the resident caused a delay in providing information to the LACDA, the LACDA will not apply the decrease retroactively. The change will be effective the first of the following month in which the LACDA completed the interim redetermination.

### **Changes Not Reported Timely [24 CFR 960.257(b)(6)(ii) and (iii) and Notice PIH 2023-27]**

If the family failed to report a change in family income or composition timely in accordance with LACDA policies, the family will have caused an unreasonable delay in the interim or annual recertification processing and the following guidelines will apply:

- **Rent Increases:** The tenant rent increase will be effective retroactive to the date the increase in income became effective. The family will be liable for any underpaid rent and may be required to sign a Resident Repayment Agreement (TPA). The TPA will require that the family pay an initial lump sum (in an amount determined by the LACDA) with the remaining balance to be paid in equal payments over a period of time not to exceed 12 months for amounts under \$2,400 or 24 months for any amount equal to or more than \$2,400.
- **Rent Decreases:** The tenant rent decrease will be effective on the first of the month following completion of processing by the LACDA and **not** retroactively.

### **Procedures When the Change Is Not Processed by the LACDA in a Timely Manner**

“Processed in a timely manner” means that the change goes into effect on the date it should when the family reports the change and provides all information, documents, and signatures in a timely manner. If the change cannot be made effective on that date, the change is not processed by the LACDA in a timely manner.

Therefore, an increase will be effective after the required thirty days’ notice prior to the first of the month after completion of processing by the LACDA.

If the change resulted in a decrease, the overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

## **PART IV: RECALCULATING RESIDENT RENT**

### **9-IV.A. OVERVIEW**

For those families paying income-based rent, the PHA must recalculate the rent amount based on the income information received during the reexamination process and notify the family of the changes [24 CFR 966.4, 960.257]. While the basic policies that govern these calculations are provided in Chapter 6, this part lays out policies that affect these calculations during a reexamination.

### **9-IV.B. CHANGES IN UTILITY ALLOWANCES [24 CFR 965.507, 24 CFR 966.4]**

The resident rent calculations must reflect any changes in the LACDA's utility allowance schedule [24 CFR 960.253(c)(3)]. Chapter 16 discusses how utility allowance schedules are established.

#### LACDA Policy

Unless the LACDA is required to revise utility allowances retroactively, revised utility allowances will be applied to a family's rent calculations at the first annual reexamination after the allowance is adopted.

### **9-IV.C. NOTIFICATION OF NEW RESIDENT RENT**

The Public Housing Lease requires the LACDA to give the resident written notice stating any change in the amount of resident rent, and when the change is effective [24 CFR 966.4(b)(1)(ii)].

When the LACDA redetermines the amount of rent (Total Resident Payment or Resident Rent) payable by the resident, not including determination of the LACDA's schedule of Utility Allowances for families in the LACDA's Public Housing Program, or determines that the resident must transfer to another unit based on family composition, the LACDA must notify the resident that the resident may ask for an explanation stating the specific grounds of the determination, and that if the resident does not agree with the determination, the resident shall have the right to request a hearing under the LACDA's grievance procedure [24 CFR 966.4(c)(4)].

#### LACDA Policy

If there is any change in rent at the annual reexamination, including change in family's choice in rent, an Annual Notice of Change to Public Housing Lease Agreement will be issued to the family. For interim reexamination, a Rent of Adjustment Notice will be provided to the family.

If the resident's rent increases, a proper 30-day notice (i.e., Annual Notice of Change to Public Housing Lease Agreement/Notice of Rent Adjustment) will be provided to the family in accordance with State of California Code of Civil Procedure Section 1013. (a), and the rent increase will be effective on their anniversary date.

If the resident's rent decrease, a notice will be provided to the family within ten (10) calendar days from the date of determination.

#### **9-IV.D. DISCREPANCIES**

During an annual or interim reexamination, the LACDA may discover that information previously reported by the family was in error, or that the family intentionally misrepresented information. In addition, the LACDA may discover errors made by the LACDA. When errors resulting in the overpayment or underpayment of rent are discovered, corrections will be made in accordance with the policies in Chapter 15.

## **PART V: NON-INTERIM REEXAMINATION TRANSACTIONS**

### **Notice PIH 2023-27**

Families may experience changes within the household that do not trigger an interim reexamination under LACDA policy and HUD regulations but which HUD still requires the LACDA to report via Form HUD-50058. These are known as *non-interim reexamination transactions*. In these cases, LACDAs will submit a separate, new action code on Form HUD-50058. The following is a list of non-interim reexamination transactions:

- Adding or removing a hardship exemption for the childcare expense deduction;
- Updating or removing the phased-in hardship relief for the health and medical care expense deduction and/or reasonable attendant care and auxiliary apparatus expense deduction (the phased-in relief will begin at an eligible family's first annual or interim reexamination, whichever is sooner, after policy goes into effect);
- Adding or removing general hardship relief for the health and medical care expense deduction and/or reasonable attendant care and auxiliary apparatus expense deduction;
- Adding or removing a minimum rent hardship;
- Adding or removing a non-family member (i.e., live-in aide, foster child, foster adult);
- Ending a family's EID or excluding 50 percent (decreased from 100 percent) of a family member's increase in employment income at the start of the second 12-month EID period.
- Adding a family member and the increase in adjusted income does not trigger an interim reexamination under the final rule;
- Removing a family member and the increase in adjusted income does not trigger an interim reexamination under the final rule;
- Adding/updating a family or household member's Social Security number; and
- Updating a family member's citizenship status from eligible to ineligible or vice versa, resulting in a change to the family's rent and/or utility reimbursement, if applicable (i.e., family begins receiving prorated assistance or previously prorated assistance becomes full assistance), or updating the prorated rent calculation due to the addition or removal of family members in household with an ineligible noncitizen(s).

LACDA will make all other changes to assets, income, and deductions at the next annual or interim reexamination of income, whichever is sooner.



**EXHIBIT 9-1: CALCULATING INCOME AT ANNUAL REEXAMINATION**

**Example 1: Calculating Annual Income at Annual Reexamination Using EIV**

Staff are processing the 3/1/2024 annual reexamination for Ruby Myers and her minor daughter, Georgia. No interim reexaminations have been processed, and Ruby has not reported any changes to annual income to the LACDA since the 3/1/2023 annual reexamination. The SSA-published 2024 COLA is 7 percent.

Last reexamination – 3/1/2023 Annual Reexamination

Ruby:

Wages: \$30,000

Georgia:

SSI: \$10,980 (\$915 monthly)

The EIV report pulled on 12/15/2023

Ruby:

Wages Total: \$33,651

Quarter 3 of 2023: \$8,859 (City Public School)

Quarter 2 of 2023: \$8,616 (City Public School)

Quarter 1 of 2023: \$8,823 (City Public School)

Quarter 4 of 2022: \$7,353 (City Public School)

Georgia:

SSI Total: \$10,980

2023 benefit \$915 monthly

<u>Income Reported on Reexamination Application</u>	
Ruby: <u>Wages at City Public School: \$32,000</u> <u>(switched jobs but no permanent change to amount)</u>	Georgia: <u>SSI benefits: \$10,980 (no changes)</u>
<u>Calculating Ruby's wages:</u>  Step 1: Determine prior annual income from EIV (i.e., Q4 2022 through Q3 of 2023: \$33,651).  Step 2: Take into consideration any interim reexamination of family income completed since the last annual reexamination (in this case, there have been no interim reexaminations processed since the last annual reexamination).  Step 3: Ruby certifies that the \$33,651 of wages in EIV is accurate and reflects her current annual income, so the LACDA will use \$33,651 for annual wages for the 3/1/2024 annual reexamination given there have been no additional changes to annual income.	<u>Calculating Georgia's SSI benefit:</u>  Step 1: Determine the prior annual income from EIV (i.e., \$915 x 12 months: \$10,980).  Step 2: Take into consideration any interim reexamination of family income completed since the last annual reexamination (in this case, there have been no interim reexaminations processed since the last annual reexamination).  Step 3: Ruby certifies the SSI income in EIV is accurate and reflects Georgia's current annual income. The LACDA must adjust the prior-year income (2023 SSI benefit) by the 7-percent COLA and will use this amount to calculate annual SSI income for the 3/1/2024 annual reexamination:  COLA: \$64.05 (\$915 x 0.07)  New gross SSI benefit: \$11,748.60 (\$979.05 x 12 months)
If Ruby did not agree with the annual wages reported in EIV, the LACDA would be required to verify her current income in accordance with HUD's verification hierarchy.	
<u>Summary of Annual Income (as reported on the HUD-50058)</u>	
Ruby (Head of Household):  Other Wage: \$33,651  Myers Family Total Annual Income: \$45,399	Georgia (Other Youth Under 18):  SSI: \$11,748

**Example 2: Calculating Annual Income at Annual Reexamination Using EIV:  
Family Disagrees with EIV**

Staff are processing Paul Hewson's 5/1/2024 annual reexamination. Since the last annual reexamination, Paul reported a decrease in annual income that exceeded 10 percent. Last year, Paul reported a decrease in earned income because he transferred from a full-time job at Sasha's Sweets to a part-time job at Viking Bakery. Following HUD's EIV verification hierarchy, staff confirmed Paul was no longer employed at Sasha's Sweets and decreased his anticipated annual income from \$28,000 to \$7,500 resulting from his new part-time employment at Viking Bakery; an interim reexamination was processed effective 7/1/2023. After the 7/1/2023 interim, Paul worked briefly at two different jobs, but he says he is no longer working and is not planning to work.

5/1/2023 Annual Reexamination

Wages: \$28,000

The EIV report pulled on 1/15/2024

Wages Total: \$18,271

Quarter 3 of 2023: \$2,500 (Viking Bakery)

Quarter 3 of 2023: \$796 (Sweet Tooth Candy Bar)

Quarter 2 of 2023: \$1,300 (Sasha's Sweets)

Quarter 2 of 2023: \$584 (Larry's Concessions)

Quarter 2 of 2023: \$2,401 (Viking Bakery)

Quarter 1 of 2023: \$6,500 (Sasha's Sweets)

Quarter 4 of 2022: \$600 (Sasha's Sweets)

SS/SSI: No history of benefits

<p align="center"><u>Income Reported on Reexamination Application</u></p>
<p><u>Wages: \$0 (permanent change; no longer receiving)</u></p>
<p><u>Social Security: \$14,400 (\$1,200 monthly)</u></p>
<p>Paul certified on the LACDA's annual reexamination paperwork that he does not agree with the annual wages of \$18,271 reported in EIV and it is not reflective of his current anticipated annual income. He reported he is currently unemployed, and provided a copy of an award letter from the Social Security Administration to document that he will begin receiving a monthly disability benefit of \$1,200 effective 3/1/2024.</p>
<p align="center"><u>Calculating Wages and SS Benefit</u></p>
<p>Step 1: Determine prior annual income taking into consideration the 8/1/2023 interim reexamination (i.e., EIV wages reflected Q4 2022 through Q3 2023: \$18,271)</p>
<p>Step 2: Take into consideration any interim reexamination of family income completed since the last annual reexamination. In this case, there was a 7/1/2023 interim that reduced wages to \$7,500.</p>
<p>Step 3: Obtain documentation to verify current income and confirm Paul is no longer employed at Viking Bakery or The Sweet Tooth Candy Bar (the employers reported in the most recent quarter of EIV). This step is necessary, because Paul did not agree with the EIV income report or income reported on the last interim reexamination. Paul reported that he is no longer working at all.</p>
<p>Process the annual reexamination effective 5/1/2024 using annual SS income of \$14,400 and \$0 wages.</p>
<p align="center"><u>Summary of Annual Income (as reported on the HUD-50058)</u></p>
<p>Paul (Head of Household): \$14,400 (SS)</p>
<p>Hewson Family Total Annual Income: \$14,400</p>

### Example 3: Calculating Annual Income at Annual Reexamination

Staff are processing the 11/1/2024 annual reexamination for Samantha and Fergus Pool, head of household and spouse. On 2/14/2024 Samantha reported her monthly child support payment was reduced from \$200 to \$100 per month, but an interim reexamination was not processed because the reduction in child support income for Samantha's daughter, Hailey, did not result in a decrease of 10 percent or more in annual adjusted income, and the LACDA did not establish a lower threshold. Samantha did not report any additional changes to the LACDA.	
<u>Last reexamination – 11/1/2023 Annual Reexamination</u>	
<u>Samantha:</u>	<u>Fergus:</u>
Business income: \$28,000	Wages: \$8,250
VA disability pension: \$12,000	Other non-wage income: \$3,000 (Go Fund Me online fundraiser)
Child support: \$2,400	

The EIV report pulled on 9/16/2024

<u>Samantha:</u>	<u>Fergus:</u>
Wages Total: \$0 (no wage data reported since Q1 2023)	Wages Total: \$8,600
	Quarter 1 of 2024: \$2,100 (Ian's Fish 'n' Chips)
	Quarter 1 of 2024: \$500 (Claire's Healthcare Supplies)
	Quarter 4 of 2023: \$1,000 (Claire's Healthcare Supplies)
	Quarter 3 of 2023: \$1,800 (The Onion Garden Shop)
	Quarter 2 of 2023: \$3,200 (Ivar's Fish Haus)

Current Family Circumstances: Income Reported on Reexamination Application

Samantha and Fergus reported how much income was earned/received in the previous 12-month period and noted permanent changes, where applicable, for each source of their income on LACDA's annual reexamination form. However, no information was reported by the family concerning other non-wage income. Fergus reported only wages and his current employment at Ian's Fish 'n' Chips for the annual reexamination. The family supplied the supporting documentation noted below to the LACDA for the 11/1/2024 annual reexamination.

<p><b>Samantha:</b></p> <p>Business income: \$28,750 (last year); has decreased to \$18,000 (permanent change)</p> <p>VA disability benefit: \$12,000 (last year); has increased to \$12,300 (permanent change)</p> <p>Child support: \$2,400 (last year); has decreased to \$1,200 (permanent change)</p>	<p><b>Fergus:</b></p> <p>Wages: \$6,000</p>
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Calculating Samantha's Net Business Income

Step 1: Determine prior annual net business income (i.e., \$28,000 on last HUD-50058).

Step 2: Take into consideration any interim reexamination of family income completed since the last annual reexamination. In this case, there have been no interim reexaminations processed since the last annual reexamination.

Step 3: Adjust to reflect current net business income. Samantha reported on the annual reexamination application that business income permanently decreased to \$18,000. The LACDA must obtain supporting documentation from Samantha that demonstrates current net business income. Samantha provided documentation that supported the current annual net business income is \$18,000. Process the annual reexamination effective 11/1/2024 using annual net business income determined in Step 3.

Calculating Samantha's VA Pension Income

Step 1: Determine prior annual VA pension income (i.e., \$12,000 supported by a VA award letter Samantha supplied that documents the prior year monthly VA pension was \$1,000).

Step 2: Take into consideration any interim reexamination of family income completed since the last annual reexamination. In this case, there have been no interim reexaminations processed since the last annual reexamination.

Step 3: The LACDA needs to adjust to reflect current VA pension income. Samantha supplies a VA award letter showing a monthly pension of \$1,025, or \$12,300 annually. Process the annual reexamination effective 11/1/2024 using annual VA pension income determined in Step 3 (\$12,300 in this example).

Calculating Samantha's Child Support Income

Step 1: Determine prior annual child support income (i.e., \$2,400 on the last HUD-50058).

Step 2: Take into consideration any interim reexamination of family income completed since the last annual reexamination. In this case, there have been no interim reexaminations processed since the last annual reexamination. The family reported a decrease from \$200 to \$100 monthly, but the change was not processed because it did not meet the threshold.

Step 3: The family reported changes, so the LACDA must adjust to reflect current child support income. In this example, the family submitted a child support history report from the local child support office that documents regular \$100 monthly child supports payments beginning 3/1/2024 through the current month. Process the annual reexamination effective 11/1/2024 using current annual child support income determined in Step 3 (\$1,200 in this example).

Calculating Fergus' Wages

Step 1: Determine prior annual income from wages in EIV (i.e., Q2 2023 through Q1 of 2024: \$8,600).

Step 2: Take into consideration any interim reexamination of family income completed since the last annual reexamination. In this case, there have been no interim reexaminations processed since the last annual reexamination.

Step 3: There is a discrepancy between what the family reported and EIV, so the LACDA must verify and adjust to reflect current annual income from wages. Fergus reported \$6,000 in annual income from wages on the annual reexamination from a single employer, Ian's Fish 'n' Chips. The LACDA projected annual income of \$7,800 based on the two paystubs for this employer, and EIV shows \$8,600 earned in the most recent four quarters in EIV. To complete Step 3, the LACDA must do the following:

- Resolve the discrepancy between EIV wages, the \$6,000 annual income Fergus reported, and the \$7,800 projected based on the paystubs he provided, and
- Verify he is no longer employed at Claire's Healthcare Supplies in accordance with HUD's verification hierarchy and local policies.

The LACDA determined that Fergus reported his net vs. gross annual income from wages, which he corrected on the annual reexamination form to reflect his current gross annual income of \$9,000. The LACDA verified Fergus was no longer employed at Claire's Healthcare Supplies and obtained two additional paystubs. Based on four current and consecutive paystubs, Fergus is now projected to earn \$9,360 annually. Process the annual reexamination effective 11/1/2024 using income from wages determined in Step 3 (\$9,360 in this example).

<u>Calculating Fergus' Other Non-Wage Income</u>	
Step 1: Determine prior annual income from other non-wage income (i.e., \$3,000 on the last HUD- 50058).	
Step 2: Take into consideration any interim reexamination of family income completed since the last annual reexamination. In this case, there have been no interim reexaminations processed since the last annual reexamination.	
Step 3: The family did not report any non-wage income on the annual reexamination form, but it was included on the last HUD-50058. The LACDA must verify and adjust to reflect current non-wage income. The LACDA must verify no income was received through a "Go Fund Me" online fundraiser so that it may be excluded. Fergus provided a self-certification that he hasn't solicited funds online and doesn't plan to in the following year; he also provided records from the account that documented no fundraising activity in the prior 12-month period. Process the annual reexamination effective 11/1/2024 using annual non-wage income of \$0 determined in Step 3.	
<u>Summary of Annual Income (as reported on the HUD-50058)</u>	
Samantha (Head of Household): Own business: \$18,000 Pension: \$12,300 Child support: \$1,200	Fergus (Co-head): Wages: \$9,360
Poole Family Total Annual Income: \$40,860	



## Chapter 10

### PETS

[24 CFR 5, Subpart C; 24 CFR 960, Subpart G]

#### INTRODUCTION

This chapter explains the LACDA's policies on the keeping of pets and describes any criteria or standards pertaining to the policies. The rules adopted are reasonably related to the legitimate interest of the LACDA to provide a decent, safe, and sanitary living environment for all tenants, and to protect and preserve the physical condition of the property, as well as the financial interest of the LACDA. This policy is also intended to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of a pet. It also establishes reasonable rules governing the keeping of common household pets.

These policies and procedures implement the provisions of Title 24 Code of Federal Regulations §§ 5.300-5.380 and 24 CFR § 960.701 (if applicable), and HUD Final Rule Pet Ownership for the Elderly and Persons with Disabilities (October 27, 2008).

Nothing in this policy or the dwelling lease limits or impairs the right of persons with disabilities to own animals that are used to assist them.

The chapter is organized as follows:

Part I: Assistance Animals. This part explains the difference between assistance animals (i.e., service and support animals), and pets. It also contains policies related to the designation of an assistance animal as well as their care and handling.

Part II: Pet policies for all developments. This part includes pet policies that are common to both elderly/disabled developments and general occupancy developments.

Part III: Pet deposits and fees for elderly/disabled developments. This part contains policies for pet deposits and fees that are applicable to elderly/disabled developments.

Part IV: Pet deposits and fees for general occupancy developments. This part contains policies for pet deposits and fees that are applicable to general occupancy developments.



## **PART I: ASSISTANCE ANIMALS**

[Section 504; Fair Housing Act (42 U.S.C.); 24 CFR 5.303; 24 CFR 960.705;  
Notice FHEO 2020-01]

### **10-I.A. OVERVIEW**

This part discusses situations under which permission for an assistance animal, including service and support animals, may be denied, and establishes standards for the care of assistance animals.

Notice FHEO 2020-01 was published January 28, 2020. The notice provides guidance to help PHAs and other housing providers distinguish between a person with a non-obvious disability who has a legitimate need for an assistance animal and a person without a disability who simply wants to have a pet or avoid the costs and limitations imposed by the PHA's pet policies. FHEO 2020-01 makes clear that the notice is guidance and a tool for PHAs and other housing providers to use at their discretion and provides a set of best practices for addressing requests for assistance animals. The guidance in FHEO 2020-01 should be read together with HUD's regulations prohibiting discrimination under the Fair Housing Act (FHA) and the HUD/Department of Justice (DOJ) Joint Statement on Reasonable Accommodation under the Fair Housing Act. Housing providers may also be subject to the Americans with Disabilities Act (ADA) and should therefore refer also to DOJ's regulations implementing Titles II and III of the ADA at 28 CFR Parts 35 and 36, in addition to DOJ's other guidance on assistance animals.

There are two types of assistance animals: (1) service animals, and (2) other animals that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support for individuals with disabilities (i.e., support animals).

Assistance animals, including service and support animals, are not pets and thus are not subject to the LACDA's pet policies described in Parts II through IV of this chapter [24 CFR 5.303; 960.705; Notice FHEO 2020-01].

## **10-I.B. APPROVAL OF ASSISTANCE ANIMALS [Notice FHEO 2020-01]**

### **Service Animals**

Notice FHEO 2020-01 states that PHAs should initially follow the Department of Justice (DOJ) analysis to assessing whether an animal is a service animal under the Americans with Disabilities Act (ADA). Under the ADA, a *service animal* means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability.

As a best practice, housing providers may use the following questions to help them determine if an animal is a service animal under the ADA:

- Is the animal a dog? If not, the animal is not a service animal but may be another type of assistance animal for which an accommodation is needed (support animal).
- Is it readily apparent that the dog is trained to do work or perform tasks for the benefit of the individual with a disability? If yes, no further inquiries are required because the animal is a service animal. If not, the LACDA will limit its inquiries to the following two questions:
  - (1) Is the animal required because of the disability? and
  - (2) What work or task has the animal been trained to perform?

If the answer to question (1) is “yes” and work or a task is identified in response to question (2), grant the requested accommodation if otherwise reasonable. If the answer to either question is “no,” the animal does not qualify as a service animal but may be a support animal.

A service animal must be permitted in all areas of the facility where members of the public are allowed.

### **Support Animals (Assistance Animals other than Service Animals)**

If the animal does not qualify as a service animal, the LACDA must next determine whether the animal would qualify as a support animal (other type of assistance animal). If the individual has indeed requested a reasonable accommodation to get or keep an animal in connection with a physical or mental impairment or disability, the LACDA may use the following questions to help them assess whether to grant the accommodation in accordance with the policies outlined in Chapter 2 (the LACDA is not required to grant a reasonable accommodation that has not been requested):

- Does the person have an observable disability or does the LACDA already have information giving them reason to believe that the person has a disability? If not, has the person requesting the accommodation provided information that reasonably supports that the person seeking the accommodation has a disability?

- If the person has an observable disability, the LACDA already has information giving them reason to believe the person has a disability, or the person has provided information supporting that they have a disability, then has the person provided information that reasonably supports that the animal does work, performs tasks, provides assistance, and/or provides therapeutic emotional support with respect to the individual's disability?

If yes, is the animal commonly kept in households? An *animal commonly kept in households* would be a dog, cat, small bird, rabbit, hamster, gerbil, other rodent, fish, turtle, or other small, domesticated animal that is traditionally kept in the home for pleasure rather than for commercial purposes. For purposes of this assessment, reptiles (other than turtles), barnyard animals, monkeys, kangaroos, and other non-domesticated animals are not considered common household animals.

If the individual is requesting to keep a unique animal not commonly kept in households, then the requestor has the substantial burden of demonstrating a disability-related therapeutic need for the specific animal or the specific type of animal. Such individuals are encouraged to submit documentation from a health care professional.

### General Considerations

A person with a disability is not automatically entitled to have an assistance animal. Reasonable accommodation requires that there is a relationship between the person's disability and their need for the animal [PH Occ GB, p. 179].

Before denying a reasonable accommodation request due to lack of information confirming an individual's disability or disability-related need for an animal, the LACDA is encouraged to engage in a good-faith dialog with the requestor called the "interactive process" [FHEO 2020-01].

A LACDA may not refuse to allow a person with a disability to have an assistance animal merely because the animal does not have formal training. Some, but not all, animals that assist persons with disabilities are professionally trained. Other assistance animals are trained by the owners themselves and, in some cases, no special training is required. However, residents who need an assistance animal **must** follow the reasonable accommodation request procedures noted in Chapter 2. The question is whether or not the animal performs the assistance or provides the benefit needed by the person with the disability [PH Occ GB, p. 178].

A LACDA's refusal to permit persons with a disability to use and live with an assistance animal that is needed to assist them, would violate Section 504 of the Rehabilitation Act and the Fair Housing Act unless [PH Occ GB, p. 179]:

- There is reliable objective evidence that the animal poses a direct threat to the health or safety of others that cannot be reduced or eliminated by a reasonable accommodation.
- There is reliable objective evidence that the animal would cause substantial physical damage to the property of others.

The Fair Housing Act does not require a dwelling to be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. The LACDA may therefore refuse a reasonable accommodation for an assistance animal if the specific animal poses a direct threat

that cannot be eliminated or reduced to an acceptable level through the actions the individual takes to maintain or control the animal (e.g., keeping the animal in a security enclosure).

While most requests for reasonable accommodations involve one animal, requests sometimes involve more than one animal (for example, a person has a disability-related need for both animals, or two (2) people living together each have a disability-related need for a separate assistance animal). The decision-making process in Notice FHEO 2020-01 should be used in accordance with the reasonable accommodation policies in Chapter 2 for all requests for exceptions or modifications to the LACDA's rules, policies, practices, and procedures so that persons with disabilities can have assistance animals in the housing where they reside.

The LACDA has the authority to regulate service animals and assistance animals under applicable Federal, State, and local law [24 CFR 5.303(b)(3); 960.705(b)(3)].

### LACDA Policy

For a **service** animal to be excluded from the pet policy and be considered a service animal, it must be any dog, which is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. A resident who requests for a service animal does not require a submittal of a reasonable accommodation verification form as delineated in Chapter 1. The LACDA may only ask whether the animal is a service animal required due to a disability, and what tasks the animal has been trained to perform.

1. The LACDA will not require proof of training or certification for a service animal, even if the disability and/or tasks performed are not readily apparent.
2. If the disability and/or tasks performed are not readily apparent, no further inquiries may be made.

For an **assistance** animal to be excluded from the pet policy and be considered a support animal, may be an animal other than dogs, which provides emotional support to a person with disabilities when there is a disability-related need for such support. Assistance animals are not required to be trained or certified. The family must request a reasonable accommodation in accordance with the criteria outlined in Notice FHEO 2020-01 and the policies contained in Chapter 2.

In accordance with Section 504 of the Rehabilitation Act and the Fair Housing Act, pet rules will not be applied to assistance animals that assist persons with disabilities except as provided below:

- There is reliable objective evidence that the assistance animal poses a direct threat to the health or safety of others that cannot be reduced or eliminated by a reasonable accommodation;
- There is reliable objective evidence that the assistance animal would cause substantial physical damage to the property of others;
- The presence of the assistance animal would pose an undue financial and administrative burden to the provider; or

- The presence of the assistance animal would fundamentally alter the nature of the provider's services.

**A determination that an animal that assists a person with a disability poses a threat of harm to others or would cause substantial physical damage to the property of others must be based on an individualized assessment that relies on objective evidence about the specific animal's actual conduct.**

## **10-I.C. CARE AND HANDLING**

HUD regulations do not affect any authority the LACDA may have to regulate assistance animals, including service animals, under Federal, State, and Local law [24 CFR 5.303; 24 CFR 960.705].

### LACDA Policy

Assistance animal must be registered with the LACDA at least ten (10) days before it is brought onto the premises and must be license and inoculated in accordance with State and local law.

Residents must submit verification that the assistance animal is current with the license and inoculation at each annual certification.

Residents are responsible for feeding, maintaining, providing veterinary care, and controlling their assistance animals. A resident may do this on their own or with the assistance of family, friends, volunteers, or service providers.

Residents must care for assistance animals in a manner that complies with state and local laws, including anti-cruelty laws.

Residents must ensure that assistance animals do not pose a direct threat to the health or safety of others, or cause substantial physical damage to the development, dwelling unit, or property of other residents.

When a resident's care or handling of an assistance animal violates these policies, the LACDA will consider whether the violation could be reduced or eliminated by a reasonable accommodation. If the LACDA determines that no such accommodation can be made, the LACDA may withdraw the approval of a particular assistance animal.

A service and assistance animal are permitted in all areas of the facility where members of the public are allowed, including the tenant's unit. Additionally, all lease provisions apply, including maintaining a clean, sanitary unit and ensuring neighbors enjoy the premises in a peaceful, quiet, nonthreatening environment. Breed, size, and weight limitations may not be applied to a service or assistance animal.

## **PART II: PET POLICIES FOR ALL DEVELOPMENTS**

[24 CFR 5, Subpart C; 24 CFR 960, Subpart G]

### **10-II.A. OVERVIEW**

The purpose of a pet policy is to establish clear guidelines for ownership of pets and to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets. This part contains pet policies that apply to all developments including General Occupancy properties and Elderly Designated properties.

### **10-II.B. MANAGEMENT APPROVAL OF PETS**

#### **Registration of Pets**

PHAs may require registration of the pet [24 CFR 960.707(b)(5)].

#### LACDA Policy

All pets must be approved in advance by the LACDA before they are brought onto the premises. Pets must meet the pet standards and the resident must enter into a Pet Agreement with the LACDA.

Pets must be registered with the LACDA at least ten (10) days before it is brought onto the premises and must be licensed and inoculated in accordance with State and local law.

Registration must include:

- Documentation signed by a licensed veterinarian or state/local authority that the pet has received all inoculations required by state or local law, and that the pet has no communicable disease(s) and is pest-free. This registration must be renewed annually and will be coordinated with the annual reexamination date.
- Current animal license.
- Sufficient information to identify the pet and to demonstrate that it is a common household pet, including, two color photograph of their pet(s).
- Display a “Pet Here” sticker, provided by the LACDA, which will be displayed on the front door or window of the resident/pet owner’s unit at all times.
- The name, address, and phone number of at least one responsible party who will care for the pet if the owner dies or is unable to provide care.
- The resident/pet owner’s acknowledgment indicating that s/he has read the pet rules and agrees to be bound by the.

Pets will not be approved to reside in a unit until the registration requirements are completed.

At each annual reexamination, residents must submit verification that pet is current with its license and inoculation.

## **Refusal to Register Pets**

### LACDA Policy

The LACDA will refuse to register a pet if:

The pet is not *a common household pet* as defined in Section 10-II.C. below

Keeping the pet would violate any pet restrictions listed in this policy

The resident/pet owner fails to provide complete pet registration information, or fails to update the registration annually

The applicant has previously been charged with animal cruelty under state or local law; or has been evicted, had to relinquish a pet or been prohibited from future pet ownership due to pet rule violations or a court order

The LACDA reasonably determines that the pet owner is unable to keep the pet in compliance with the pet rules and other lease obligations. The pet's temperament and behavior may be considered as a factor in determining the pet owner's ability to comply with provisions of the lease.

If the LACDA refuses to register a pet, a written notification will be sent to the pet owner within 10 business days of the LACDA's decision. The notice will state the reason for refusing to register the pet and will inform the family of their right to appeal the decision in accordance with the LACDA's grievance procedures. Notice of a decision shall be served in conformance with the requirements of 24 CFR § 5.353(f).

## **Pet Agreement**

### LACDA Policy

Residents who have been approved to have a pet must enter into a pet agreement with the LACDA, or the approval of the pet will be withdrawn.

The pet agreement is the resident's certification that they have received a copy of the LACDA's pet policy and applicable house rules, that they have read the policies and/or rules, understand them, and agree to comply with them.

The resident further certifies by signing the pet agreement that they understand that noncompliance with the LACDA's pet policy and applicable house rules may result in the withdrawal of LACDA approval of the pet or termination of tenancy.

## **10-II.C. STANDARDS FOR PETS [24 CFR 5.318; 960.707(b)]**

LADCA established reasonable requirements related to pet ownership including, but not limited to:

- Limitations on the number of animals;
- Prohibitions on types of animals that the LACDA classifies as dangerous, provided that such classifications are consistent with applicable state and local law;
- Prohibitions on individual animals, based on certain factors, including the size and weight of the animal; and,
- Requiring pet owners to have their pets spayed or neutered

Cat declawing is not a requirement or condition of pet ownership in public housing and HUD encourages LADCA to refrain from engaging in this practice [New PH OCC GB, *Pet Ownership*, p. 9].

LACDA may not require pet owners to have any pet's vocal cords removed.

LADCA may not require pet owners to obtain or carry liability insurance.

### **Definition of "Common Household Pet"**

There is no regulatory definition of common household pet for public housing programs, although the regulations for pet ownership in both elderly/disabled and general occupancy developments use the term. The regulations for pet ownership in elderly/disabled developments expressly authorize LACDAs to define the term [24 CFR 5.306(2)].

### LACDA Policy

Pets must be registered with the LACDA at least ten (10) days before the pet is brought onto the premises and must submit proof of license and inoculation at least 30 calendar days prior to each annual certification. Pets need to be inoculated in accordance with California State and local law and regulations.

### **Registration must include:**

- (a) A certification of inoculation signed by a licensed veterinarian or a State or local authority (or designated agent of such an authority) stating that the pet has received all inoculations required by State or local law.
- (b) Information sufficient to identify the pet and to demonstrate that it is a common household pet, including, a color photograph of their pet(s).
- (c) The name, address, and phone number of at least one responsible party who will care for the pet if the owner dies or is unable to provide care.
- (d) The resident/pet owner's acknowledgement indicating that he or she has read the pet rules and agrees to be bound by them.

### **Refusal of the LACDA to Register a Pet**

The LACDA shall be authorized to refuse to register a pet under the following circumstances:

- (a) If the pet does not meet the definition of a “common household pet” as defined herein.
- (b) If the keeping of the pet would violate any applicable house pet rule.
- (c) If the resident/pet owner fails to provide complete pet registration information or fails annually to update the pet registration.
- (d) The LACDA reasonably determines, based on the resident/pet owner’s habits and practices, that the resident/pet owner will be unable to keep the pet in compliance with the pet rules and other lease obligations. The pet’s temperament may be considered as a factor in determining the prospective resident/pet owner’s ability to comply with the pet rules and other lease obligations.

The LACDA shall provide notice of a decision refusing to register a pet and such notice shall further inform the resident/pet owner of the basis of that decision and of the resident/pet owner’s grievance rights.

*Common household pet* means a domesticated animal, such as a dog, cat, bird, rodent (including rabbit), tortoise, or fish that is traditionally recognized as a companion animal and is kept in the home for pleasure rather than commercial purposes.

Domesticated dogs that exceed thirty (30) pounds (Animals certified to assist the disabled are exempt from the weight limitation.)

The following animals are **not** considered common household pets:

Reptiles (except turtle/tortoise)

Insects

Arachnids

Wild animals or feral animals that are not amenable to routine human handling.

Any poisonous animals of any kind

Pot-bellied pigs

Animals used for commercial breeding

If this definition conflicts with any applicable California State or local law or regulation defining the pets that may be owned or kept in dwelling accommodations, California State or local law or regulation shall apply.

## **Pet Restrictions**

### LACDA Policy

The following animals are not permitted:

Any animal whose adult weight will exceed 30 pounds

Vicious or intimidating dogs. Under California law (Food and Agriculture Code Sec. 31603), a “vicious” dog is defined as, but not limited to:

- Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being.
- Any dog previously determined to be and currently listed as a potentially dangerous dog that, after its owner or keeper has been notified of this determination, continues the behavior described in Section 31602 or is maintained in violation of Section 31641, 31642, or 31643

Any dog seized under Section 599aa of the California Penal Code and upon the sustaining of a conviction of the owner or keeper under subdivision (a) of Section 597.5 of the Penal Code.

Dogs of the pit bull, rottweiler, chow, or boxer breeds

Any dog breeds that have been determined to be “potentially dangerous” or “vicious” under California law or local animal control ordinance.

Fish in aquariums exceeding ten (10) gallons in capacity.

Non-human primates.

Ferrets or other animals whose natural protective mechanisms pose a risk to small children of serious bites or lacerations.

Hedgehogs or other animals whose protective instincts and natural body armor produce a risk of serious puncture injury to children.

Chicks or other animals that pose a significant risk of salmonella infection to those who handle them.

Pigeons, doves, mynahs, psittacine, and birds of other species that are hosts to the organisms that cause psittacosis in humans.

Any animal that, due to its size, nature or disposition, presents a risk to the public health or safety or cannot be properly cared for due to its physical needs.

Wild, feral, or any other animals that are not amenable to routine human handling.

Animals whose climatological needs cannot be met in the unaltered environment of the individual dwelling unit.

Any other animal not permitted under State or local law or code

## **Number of Pets**

### LACDA Policy

Residents may own a maximum of two (2) common household pets. Of this total, residents may only have a maximum of one (1) dog or rodent.

In the case of fish, residents may keep no more than can be maintained in a safe and healthy manner in a tank holding up to ten (10) gallons. Such a tank or aquarium will be counted as 1 pet.

## **Other Requirements**

### LACDA Policy

Dogs and cats must be spayed or neutered at the time of registration or, in the case of underage animals, within 30 days of the pet reaching six (6) months of age. Exceptions may be made upon veterinary certification that subjecting this particular pet to the procedure would be temporarily or permanently medically unsafe or unnecessary.

Dogs must be housebroken. Any litter resulting from the pet must be removed as soon as the puppies are weaned or are eight weeks of age.

Cats must be trained to use a litter box or other waste receptacle. Any litter resulting from the pet must be removed as soon as the puppies are weaned or are eight weeks of age.

Pets must be licensed and inoculated in accordance with state or local law. Residents must provide proof of licensing and inoculation at the time of registration and annually, in conjunction with the resident's annual reexamination.

Birds and rodents must be enclosed in an acceptable cage at all times.

### **Birds**

Maximum number: 2

Must be enclosed in a cage at all times.

### **Fish**

Maximum aquarium size: (10 gallons)

Must be maintained on an approved stand.

### **Rodents** (rabbit, guinea pig, or hamster ONLY)

Maximum number: 1

Must be enclosed in an acceptable cage at all times.

Must have any or all inoculations as specified now or in the future by State law or local ordinance.

## **10-III.D. PET RULES**

Pet owners must maintain pets responsibly, in accordance with LACDA policies, and in compliance with applicable State and local public health, animal control, and animal cruelty laws and regulations [24 CFR 5.315; 24 CFR 960.707(a)].

### **Pet Area Restrictions**

#### LACDA Policy

Pets must be maintained within the resident's unit. When outside of the unit (within the building or on the grounds) dogs and cats must be kept on a leash or carried. They must be supervised and under the control of the resident or other responsible individual at all times.

Pets other than dogs or cats must be kept in a cage or carrier when outside of the unit.

Pets are not permitted in the following area: management offices including lobbies, community rooms, recreation center (except such areas that would deny access to the building), and laundry areas except for those common areas which are entrances to and exits from the building.

Pet owners are not permitted to exercise pets or permit pets to deposit waste in any interior common area of the Housing Development.

## **Cleanliness**

### LACDA Policy

The resident/pet owner shall be responsible for promptly and completely removing waste from the unit and common area by placing it in a sealed plastic bag and properly disposing of it. Failure to remove pet waste in common areas will result in a Pet Waste Removal charge for each separate violation of the waste removal requirement (see Part III for Elderly properties and Part IV for General Occupancy properties).

The resident/pet owner shall take adequate precautions to eliminate any pet odors within or around the unit and to maintain the unit in a sanitary condition at all times.

Litter box requirements:

Resident/Pet owners must promptly dispose of waste from litter boxes in sealed plastic bags and must maintain litter boxes in a sanitary manner.

Litter shall not be disposed of by being flushed through a toilet.

Litter boxes shall be kept inside the resident's dwelling unit or in animal enclosure maintained within the dwelling unit AND must be maintained in a sanitary manner.

## **Alterations to Unit**

### LACDA Policy

Resident/Pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal.

Installation of pet doors is prohibited.

## **Noise**

### LACDA Policy

Resident/Pet owners must agree to control the noise of pets so that such noise does not constitute a nuisance to other residents or interrupt their peaceful enjoyment of their housing unit or in common areas. This includes, but is not limited to loud or continuous barking, howling, whining, biting, scratching, chirping, or other such activities.

## **Pet Care**

### LACDA Policy

Each resident/pet owner shall be responsible for adequate care, nutrition, exercise and medical attention for their pet.

Each resident/pet owner shall be responsible for appropriately training and caring for their pet to ensure that the pet is not a nuisance or danger to other residents and does not damage LACDA property.

Each resident/pet owner shall be responsible for the mandatory implementation of flea control, for their pet(s), by measures that produce no toxic hazard to children who may come in contact with treated animal(s).

No animals may be tethered or chained inside or outside the dwelling unit at any time.

All complaints of cruelty and all mammalian bites will be referred to animal control of applicable policy agency for investigation and enforcement.

No pet (excluding fish) shall be left unattended in any apartment for a period in excess of 24 hours.

The LACDA reserves the right to seek impoundment and sheltering of any animal found to be maintained in violation of housing rules, pending resolution of any dispute regarding such violation, at owner's expense. The resident shall be responsible for any impoundment fees, and the LACDA accepts no responsibility for pets so removed.

In the event the resident/pet owner is temporarily relocates to a privately-owned apartment complex or hotel at the request of the LACDA to complete emergency repairs to the resident's unit and/or complete modernization and/rehabilitation activities, the resident shall have the responsibility for the board and care of their pet(s) during the duration of the resident's relocation.

That failure to abide by any animal-related requirement or restriction constitutes a violation of the "Resident Obligations" in the resident's Lease Agreement.

## **Responsible Parties**

### LACDA Policy

The resident/pet owner is responsible and liable for all damages caused by their pet(s).

The resident/pet owner will be required to designate one (1) responsible party for the care of the pet if the health or safety of the pet is threatened by the death or incapacity of the pet owner, or by other factors that render the pet owner unable to care for the pet.

A resident who cares for another resident's pet must notify the LACDA and sign a statement that they agree to abide by all of the pet rules.

## **Inspections and Repairs**

### LACDA Policy

Except for emergencies, management will not enter the dwelling unit for performance of repairs or inspections where a pet resides unless accompanied for the entire duration of the inspection or repair by the pet owner or responsible person designated by the pet owner. The pet must be held under physical restraint by the pet owner or responsible person until management has completed its tasks. Any delays or interruptions suffered by management in the inspection, maintenance, and upkeep of the premises due to the presence of a pet may be cause for lease termination.

The LACDA shall be permitted, as authorized by the Lease Agreement, after reasonable notice to the tenant and during reasonable hours, to enter and inspect the premises. The lease shall permit entry and inspection only if the LACDA has received a signed, written complaint alleging or has reasonable grounds to believe that the conduct or condition of a pet in the dwelling unit constitutes, under applicable State or local law, a nuisance or a threat to the health or safety of the occupants of the project or other persons in the community where the Housing Development is located.

The LACDA shall enter the dwelling unit, as authorized by the Lease Agreement, when there is evidence that an animal is left alone in danger or distress or is creating a nuisance.

## **Pets Temporarily on the Premises**

### LACDA Policy

Pets that are not owned by a resident are not allowed on the premises or that is temporarily present for a period in excess of 14 days.

Residents are prohibited from feeding or harboring stray animals.

## **Pet Rule Violations**

### LACDA Policy

All complaints of cruelty and all dog bites will be referred to animal control or an applicable agency for investigation and enforcement.

If a determination is made on objective facts supported by written statements, that a resident/pet owner has violated the pet rules, written notice will be served.

The notice will contain a brief statement of the factual basis for the determination and the pet rule(s) that were violated. The notice will also state:

That the pet owner is entitled to be accompanied by another person of their choice at the meeting

That the pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to remove the pet, or to terminate the pet owner's tenancy.

### **Notice of Pet Rule Violations**

If the LACDA determines on the basis of objective facts, supported by written statements, that a resident/pet owner has committed a violation of a rule governing the owning or keeping of pets, the LACDA may serve a written notice of a pet rule violation. The notice of violation must:

- Contain a brief statement of the factual basis for the determination and the pet rule or rules alleged to be violated.
- State that the resident/pet owner has ten (10) calendar days from the effective date of service of the notice to correct the violation (including appropriate circumstances, removal of the pet) or to make a written request for an informal conference to discuss the violation.
- State that resident/pet owner is entitled to be accompanied by another person of his or her choice at the informal conference.
- State that the resident/pet owner's failure to correct the violation, to request an informal conference, or to appear at the informal conference may result in initiation of procedure to terminate the tenant's tenancy.
- If the resident/pet owner requests a meeting, the LACDA shall establish a mutually agreeable time and place for the meeting. Such a meeting shall take place no later than 15 calendar days from the effective date of service of the notice of the pet violation (unless the LACDA agrees to a later date). At the informal conference, the resident/pet owner and the LACDA shall discuss any alleged pet rule violation and attempt to correct it. The LACDA may, as a result of the meeting, give the resident/pet owner additional time to correct the violation.

## **Notice for Pet Removal**

### LACDA Policy

If the resident/pet owner and the LACDA are unable to resolve the violation at the pet rule violation meeting or if the LACDA determines that the resident/pet owner has failed to correct the pet rule violation in the time period allotted by the LACDA, the LACDA may serve notice to remove the pet in accordance with 24 CFR § 5.353(f)(1)(i) or (ii).

The notice will contain:

- A brief statement of the factual basis for the LACDA's determination and the pet rule(s) alleged to be violated
- The requirement that the resident /pet owner must remove the pet within ten (10) calendar days of the notice (or the meeting, if the notice is served at the meeting)
- A statement that failure to remove the pet may result in the initiation of procedures to terminate the resident/pet owner

## **Pet Removal for the Protection of Pets**

### LACDA Policy

If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the responsible party designated by the pet owner. Includes pets who are poorly cared for or have been left unattended for over 24 hours.

If the responsible party is unwilling or unable to care for the pet, or if the LACDA after reasonable efforts cannot contact the responsible party, the LACDA may contact the appropriate state or local agency and request the removal of the pet.

If there is no State or local authority (or designated agent of such an authority) authorized to remove a pet under these circumstances and the LACDA has placed a provision in the lease agreement (as described in Sec. 5.360(c)(2)), the LACDA may enter the pet owner's unit, remove the pet, and place the pet in a facility that will provide care and shelter until the resident/pet owner or a representative of the resident/pet owner is able to assume responsibility for the pet, but not longer than 30 days.

The cost of the animal care facility provided under this section shall be borne by the resident/pet owner. If the resident/pet owner (or the pet owner's estate) is unable or unwilling to pay, the cost of the animal care facility may be paid from the pet deposit, if imposed under the pet rules.

## **Termination of Tenancy**

### LACDA Policy

The LACDA may initiate procedures for termination of tenancy based on a pet rule violation if:

- The pet owner has failed to remove the pet or correct a pet rule violation within the applicable time period specified.

The pet rule violation is sufficient to begin procedures to terminate the resident/pet owner's tenancy under terms of the lease and applicable regulations.

- The LACDA shall have the right to initiate procedures to remove a pet under 24 CFR § 5.327 (Nuisance of Threat to Health or Safety) at any time, in accordance with the provisions of applicable State or local law.

## **Emergencies**

### LACDA Policy

The LACDA will take all necessary steps to ensure that pets that become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are immediately removed from the premises by referring the situation to the appropriate state or local entity authorized to remove such animals.

If it is necessary for the LACDA to place the pet in a shelter facility, the cost will be the responsibility of the pet owner.

If the pet is removed as a result of any aggressive act on the part of the pet, the pet will not be allowed back on the premises.

The LACDA shall be permitted, as authorized by the Lease Agreement, to undertake the following actions in response to an emergency:

- If there is no State or local authority (or designated agent of such an authority) authorized under applicable State or local law to remove a pet that becomes vicious, displays symptoms of severe illness, or demonstrates other behavior that constitutes an immediate threat to the health or safety of the tenancy as a whole, the LACDA may place a provision in tenant leases permitting the LACDA to enter the premises (if necessary), remove the pet, and take such action with respect to the pet as may be permissible under State and local law, which may include placing it in a facility that will provide care and shelter for a period not to exceed 30 days.
- If authorized by the lease agreement, the LACDA shall be permitted to enter the premises and remove the pet or take such other permissible action only if the LACDA requests the pet owner to remove the pet from the project immediately, and the pet owner refuses to do so, or if the project owner is unable to contact the pet owner to make a removal request. The lease may not contain a provision relieving the LACDA from liability for wrongful removal of a pet. The cost of the animal care facility shall be paid as provided in 24 CFR § 5.363.
- The LACDA may place a provision in tenant leases permitting the LACDA the right to enter the premises, remove the pet, and place the pet in a facility that will provide care and shelter, in accordance with the provisions of 24 CFR § 5.363. The lease may not contain a provision relieving from liability for wrongful removal of a pet.



## **PART III: PET DEPOSITS AND FEES IN ELDERLY/DISABLED DEVELOPMENTS**

### **10-III.A. OVERVIEW**

This part describes the LACDA's policies for pet deposits and fees in Elderly, Disabled and Mixed Population developments. Policies governing deposits and fees in General Occupancy developments are described in Part IV.

### **10-III.B. PET DEPOSITS**

#### **Payment of Deposit**

The LACDA may require tenants who own or keep pets in their units to pay a refundable pet deposit. This deposit is in addition to any other financial obligation generally imposed on tenants of the project [24 CFR 5.318(d)(1)].

The maximum amount of pet deposit that may be charged by a LACDA on a per dwelling unit basis, is the higher of the total tenant payment (TTP) or such reasonable fixed amount as the LACDA may require. The LACDA may permit gradual accumulation of the pet deposit by the pet owner [24 CFR 5.318(d)(3)].

The pet deposit is not part of the rent payable by the resident [24 CFR 5.318(d)(5)].

#### LACDA Policy

A resident/pet owner who owns or keeps a dog or cat shall be required to pay a refundable deposit in an amount of **\$75.00**. This deposit is in addition to any other financial obligation generally imposed on tenants of the Housing Development. Pet deposit payment does not apply to families with assistance or service animals.

For pet deposits subject to paragraph 24 CFR § 5.318 (d)(2)(i)(A), the resident/pet owner may pay the pet deposit through gradual accumulation of the deposit through an initial payment not to exceed \$50 when the pet is brought onto the premises, and subsequent monthly payments not to exceed \$10 per month until the amount of the deposit is reached.

The pet deposit and pet waste removal charges are **not** part of rent payable by the resident.

#### **Refund of Deposit [24 CFR 5.318(d)(1)]**

The LACDA may use the pet deposit only to pay reasonable expenses directly attributable to the presence of the pet in the Housing Development, including (but not limited to) the cost of repairs and replacements to, and fumigation of, the tenant's dwelling unit and the cost of animal care facilities under 24 CFR § 5.363. The LACDA shall refund the unused portion of the pet deposit to the tenant within a reasonable time after the tenant moves from the Housing Development or no longer owns or keeps a cat or dog in the dwelling unit.

#### LACDA Policy

The LACDA will refund the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within 21 days of move-out or removal of the pet from the unit.

The resident will be billed for any amount that exceeds the pet deposit.

The LACDA will provide the resident or designee identifies above with a written list of any charges against (i.e., Final Statement) the pet deposit. If the resident disagrees with the amount charged to the pet deposit, the LACDA will provide a meeting to discuss the charges.

## **10-III.C. OTHER CHARGES**

### **Pet-Related Damages During Occupancy**

#### LACDA Policy

All reasonable expenses incurred by the LACDA as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:

The cost of repairs and replacements to the resident's dwelling unit

Fumigation of the dwelling unit

Repairs to common areas of the project

The expense of flea elimination shall also be the responsibility of the resident.

If the resident is in occupancy when such costs occur, the resident shall be billed for such costs in accordance with the policies in Section 8-I.F, Maintenance and Damage Charges. Pet deposits will not be applied to the costs of pet-related damages during occupancy.

Charges for pet-related damage are not part of rent payable by the resident.

### **Pet Waste Removal Charge**

The regulations do not address the LACDA's ability to impose charges for house pet rule violations. However, charges for violation of LACDA pet rules may be treated like charges for other violations of the lease and LACDA tenancy rules.

#### LACDA Policy

All fecal matter deposited by the pet(s) must be promptly and completely removed from any common area. Failure to do so will result in a Pet Waste Removal charge.

A separate pet waste removal charge of **\$5.00** per occurrence will be assessed against pet owners who fail to remove pet waste in accordance with this policy.

Notices of pet waste removal charges will be in accordance with requirements regarding notices of adverse action. Charges are due and payable 30 calendar days after billing. If the family requests a grievance hearing within the required timeframe, the LACDA may not take action for nonpayment of the charge until the conclusion of the grievance process.

Charges for pet waste removal are not part of rent payable by the resident.

## **PART IV: PET DEPOSITS AND FEES IN GENERAL OCCUPANCY DEVELOPMENTS**

### **10-IV.A. OVERVIEW**

This part describes the LACDA's policies for pet deposits and fees for those who reside in General Occupancy developments.

### **10-IV.B. PET DEPOSITS**

A LACDA may require a refundable pet deposit to cover additional costs attributable to the pet and not otherwise covered [24 CFR 960.707(b)(1)].

A LACDA that requires a resident to pay a pet deposit must place the deposit in an account of the type required under applicable State or local law for pet deposits, or if there are no such requirements, for rental security deposits, if applicable. The LACDA must comply with such laws as to retention of the deposit, interest, and return of the deposit to the resident, and any other applicable requirements [24 CFR 960.707(d)].

#### **Payment of Deposit**

##### LACDA Policy

Reside/pet owners are required to pay a pet deposit of \$200 per unit for the purpose of defraying all reasonable costs directly attributable to the presence of a pet. The deposit must be paid in full before the pet is brought on the premises. The deposit fee shall not apply to birds and fish.

The pet deposit is not part of rent payable by the resident.

#### **Refund of Deposit**

##### LACDA Policy

The LACDA will refund the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within 21 days of move-out or removal of the pet from the unit.

The resident will be billed for any amount that exceeds the pet deposit.

The LACDA will provide the resident or designee identified above with a written list of any charges against the pet deposit. If the resident disagrees with the amount charged to the pet deposit, the LACDA will provide a meeting to discuss the charges.

## **10-IV.C. OTHER CHARGES**

### **Pet-Related Damages During Occupancy**

#### LACDA Policy

All reasonable expenses incurred by the LACDA as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:

The cost of repairs and replacements to the resident's dwelling unit

Fumigation of the dwelling unit

Repairs to common areas of the project, if applicable

If the resident is in occupancy when such costs occur, the resident shall be billed for such costs in accordance with the policies in Section 8-I.F, Maintenance and Damage Charges. Pet deposits will not be applied to the costs of pet-related damages during occupancy.

Charges for pet-related damage are not part of rent payable by the resident.

### **Pet Waste Removal Charge**

The regulations do not address the LACDA's ability to impose charges for house pet rule violations. However, charges for violation of LACDA pet rules may be treated like charges for other violations of the lease and LACDA tenancy rules.

#### LACDA Policy

All fecal matter deposited by the pet(s) must be promptly and completely removed from any common area. Failure to do so will result in a Pet Waste Removal charge.

A separate Pet Waste Removal charge of \$50.00 per occurrence will be assessed against pet owners who fail to remove pet waste in accordance with this policy.

Such charges will be due and payable 30 calendar days after billing.

Charges for pet waste removal are not part of rent payable by the resident.



## Chapter 11

### COMMUNITY SERVICE AND SELF-SUFFICIENCY REQUIREMENT (CSSR)

#### INTRODUCTION

This chapter explains HUD regulations requiring PHAs to implement a community service program for all nonexempt adults living in public housing.

This chapter describes HUD regulations and LACDA policies related to these topics in two parts:

Part I: Community Service Requirements. This part describes who is subject to the community service requirement, who is exempt, and HUD's definition of economic self-sufficiency.

Part II: LACDA Implementation of Community Service. This part provides LACDA policy regarding implementation and program design.

#### PART I: COMMUNITY SERVICE REQUIREMENT

##### 11-I.A. OVERVIEW

HUD regulations pertaining to the community service requirement are contained in 24 CFR 960 Subpart F (960.600 through 960.609). PHAs and residents must comply with the community service requirement, effective with PHA fiscal years that commenced on or after October 1, 2000. Per 903.7(l)(1)(iii), the PHA Plan must contain a statement of how the LACDA will comply with the community service requirement, including any cooperative agreement that the LACDA has entered into or plans to enter into.

Community service is the performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities [24 CFR 960.601(b)].

In administering community service requirements, the LACDA must comply with all nondiscrimination and equal opportunity requirements [24 CFR 960.605(c)(5)].

## 11-I.B. REQUIREMENTS

Each adult resident of the LACDA, who is not exempt, must [24 CFR 960.603(a)]:

- Contribute 8 hours per month of community service (not including political activities); or
- Participate in an economic self-sufficiency program (as defined in the regulations) for 8 hours per month; or
- Perform 8 hours per month of combined activities (community service and economic self-sufficiency programs).
- The required community service or self-sufficiency activity may be completed 8 hours each month or may be aggregated across a year. Any blocking of hours is acceptable as long as 96 hours is completed by each annual certification of compliance [Notice PIH 2015-12].
- The family will be provided with a self-certification form at each annual to self-certify their community service hours or self-sufficiency activity for the prior 12 months.

### Definitions

#### *Exempt Individual [24 CFR 960.601(b), Notice PIH 2015-12]*

The LACDA shall provide an exemption from the community service requirement for any adult resident who meets the following HUD exemption criteria:

- Is age 62 years or older;
- Is blind or disabled (as defined under section 216[i][1] or 1614 of the Social Security Act), and who certifies that because of this disability s/he is unable to comply with the service provisions;
- Is a primary caretaker of such an individual;
- Is engaged in work activities (Notice PIH 2003-17 (HA))

#### LACDA Policy

- The LACDA will consider 30 hours per week as the minimum number of hours needed to qualify for a work activity exemption. Is able to meet requirements of being exempted under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. Section 501 et seq.), or under any other welfare program of the State in which the LACDA is located, including a State-administered Welfare-to-Work program;
  - This exemption applies to anyone whose characteristics or family situation meet the welfare agency exemption criteria and can be verified.
- Is a member of a family receiving assistance, benefits, or services under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. Section 501 et seq.), or under any other welfare program of the state in which the LACDA is located, including a State-administered Welfare-to-Work program and the Supplemental Nutrition Assistance Program (SNAP), and has not been found by the state or other administering entity to be in noncompliance with such program.

***Community Service [24 CFR 960.601(b), Notice PIH 2015-12]***

Eligible community service activities include, but are not limited to, at the following:

- Participation in a Family Learning Center Literacy Program as a reading tutor and/or reading listener;
- Participation in activities which support the Family Learning Center, such as, but not limited to, after-school tutoring, summer programs, being a chaperone for educational field trips, assisting with events and programs related to youth/adult education and literacy;
- Participation in the site Resident Council as an elected board member or performing activities related to the Resident Council that total eight (8) hours per month;
- Participation in activities which support the Family Resource Center, such as, but not limited to, being a chaperone for youth and senior field trips, assisting with community events and family/youth programs, and other activities related to youth development, recreation, and family self-sufficiency;
- Local public or nonprofit institutions such as schools, head start programs, before or after school programs, childcare centers, hospitals, clinics, hospices, nursing homes, recreation centers, senior centers, adult day care programs, homeless shelters, feeding programs, food banks (distributing either donated or commodity foods), or clothes closets (distributing donated clothing);
- Nonprofit organizations serving LACDA residents or their children such as: Boy or Girl Scouts, Boys or Girls Club, 4-H clubs, Police Assistance League (PAL), organized children's recreation, mentoring or education programs, Big Brothers or Big Sisters, garden centers, community clean-up programs, beautification programs;
- Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives, senior meals programs, senior centers, Meals on Wheels;
- Public or nonprofit organizations dedicated to seniors, youth, children, residents, citizens, special-needs populations or with missions to enhance the environment, historic resources, cultural identities, neighborhoods, or performing arts;
- LACDA housing to improve grounds or provide gardens (so long as such work does not alter the LACDA's insurance coverage); or work through resident organizations to help other residents with problems, including serving on the Resident Advisory Board, outreach and assistance with LACDA-run self-sufficiency activities including supporting computer learning centers; and,
- Care for the children of other residents so parent may volunteer

**LACDA Policy**

Pursuant to 24 CFR 960.609, community service activities do not include work performed by a resident that would ordinarily be performed by a LACDA employee. However, residents may do community service on the LACDA property or with or through LACDA programs to assist with or enhance work done by a LACDA employees.

Community services at profit-motivated entities, volunteer work performed at homes or offices of general private citizens, and court-ordered or probation-based work will not be

considered eligible community service activities.

***Economic Self-Sufficiency Program [24 CFR 5.603(b), Notice PIH 2015-12]***

For purposes of satisfying the community service requirement, an *economic self-sufficiency program* is defined by HUD as any program designed to encourage, assist, train, or facilitate economic independence of assisted families or to provide work for such families.

Eligible self-sufficiency activities include, but are not limited to:

- Job readiness or job training while not employed;
- Training programs through local One-Stop Career Centers, Workforce Investment Boards (local entities administered through the U.S. Department of Labor), or other training providers;
- Employment counseling, work placement, or basic skills training
- Education, including higher education (junior college or college), GED classes, or reading, financial, or computer literacy classes
- Apprenticeships (formal or informal)
- English proficiency or English as a second language classes
- Budgeting and credit counseling
- Any other program necessary to ready a participant to work (such as substance abuse or mental health counseling)

In general, economic self-sufficiency programs include: job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management skills training, apprenticeship, or any other program necessary to ready a participant for employment.

In addition to the activities listed above, the LACDA authorizes the following economic self-sufficiency activities:

- Participation in the LACDA Family Self Sufficiency Program.
- Other activities which further the goals of economic self-sufficiency as approved on an individual basis by the LACDA.

The LACDA will ensure that all community service activities which take place on LACDA property are accessible for persons with disabilities.

***Work Activities [42 U.S.C. 607(d)]***

As it relates to an exemption from the community service requirement, *work activities* means:

- Unsubsidized employment;
- Subsidized private sector employment;
- Subsidized public sector employment;
- Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
- On-the-job training;
- Job search and job readiness assistance;
- Community service programs;
- Vocational educational training (not to exceed 12 months with respect to any individual);
- Job skills training directly related to employment;
- Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency; and,
- Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate.

**Notification Requirements [24 CFR 960.605(c)(2), Notice PIH 2015-12, Notice PIH 2016- 06]**

The LACDA must give each family a written description of the community service requirement, the process for claiming status as an exempt person, and the process for LACDA verification of exempt status. The LACDA must also notify the family of its determination identifying the family members who are subject to the service requirement, and the family members who are exempt. In addition, the family must sign a certification, such as Attachment A of Notice PIH 2015-12, that they have received and read the policy and understand that if they are not exempt, failure to comply with the requirement will result in nonrenewal of their lease. The family must also sign a certification at annual reexamination, such as Attachment B of Notice PIH 2015-12, certifying that they understand the requirement.

**LACDA Policy**

The LACDA will provide the family with a CSSR Entrance Agreement at the new admissions, new member add-on, and members who have reached the age 18 for families that are not exempt from the CSSR requirements. Additionally, the families will be provided with the Annual CSSR Agreement at lease-up, lease renewal, when an adult family member is determined to be subject to the CSSR during the lease term, and at any time upon the family's request. The LACDA accept self-certifications (form provided by the LACDA) of the CSSR hours completed.

On an annual basis, at the time of lease renewal, the LACDA will notify the family in writing of the family members who are subject to the community service requirement and the family members who are exempt.. The LACDA allows the self-certification of the CSSR hours completed. The LACDA will provide a self-certification form and must be completed by each adult member to include the hours completed., type of service, supervisor contact name and number.

### **11-I.C. DETERMINATION OF EXEMPTION STATUS AND COMPLIANCE [24 CFR 960.605(c)(3)]**

The LACDA must review and verify family compliance with service requirements annually at least 30 days before the next annual recertification. The policy for documentation and verification of compliance with service requirements may be found at Section 11-I.D., Documentation and Verification.

#### **Annual Determination**

##### ***Determination of Exemption Status***

An exempt individual is excused from the community service requirement [24 CFR 960.603(a)].

##### **LACDA Policy**

The LACDA will review and verify the exemption status of all adult family members at the annual recertification unless the family reports a change or the LACDA has reason to believe that an individual's exemption status has changed. Adult residents who are 62 years of age and older will not need a verification of exemption status.

Upon completion of the verification process, the LACDA will notify the family of its determination in accordance with the policy in Section 11-I.B., Notification Requirements

### ***Determination of Compliance***

The LACDA must review resident family compliance with service requirements annually at least 30 days before the next annual recertification [24 CFR 960.605(c)(3)]. As part of this review, the LACDA must verify that any family member that is not exempt from the community service requirement has met their service obligation.

#### **LACDA Policy**

During the annual recertification process, the LACDA will provide written notice requiring the family to submit documentation that all subject family members have complied with the service requirement. The family will have ten (10) business days to submit the LACDA required documentation form(s).

If the family fails to submit the required documentation within the required timeframe, or LACDA approved extension, the subject family members will be considered noncompliant with community service requirements, and notices of noncompliance will be issued pursuant to the policies in Section 11-I.E., Noncompliance.

The LACDA will enter into a Work-Out Agreement with the family member that is not meeting the CSSR requirement. Failure to comply will result in the non-lease renewal and up to termination of assistance.

## Change in Status between Annual Determinations

### LACDA Policy

#### **Exempt to Nonexempt Status**

If an exempt individual becomes nonexempt during the 12-month lease term, it is the family's responsibility to report this change to the LACDA within five (5) business days.

Within 10 calendar days of a family reporting such a change, or the LACDA determining such a change is necessary, the LACDA will provide written notice of the effective date of the requirement and a documentation form on which the family member may record the activities performed and number of hours contributed.

The effective date of the community service requirement will be the first of the month following the date the change was reported.

#### *Determination of Initial Compliance*

When an adult family member becomes subject to community service, they must perform 8 hours of community service for the months they are subject to the requirement before the end of the lease term (anniversary date).

Example 1: Alberto Jones turns 18 on 5/10/24 and is not exempt from the community service requirement. His community service requirement begins on 6/1/24, and his initial compliance is reviewed before the end of the lease term (anniversary date), which is 11/30/24.

- Alberto must perform 6 months of community service in his initial compliance period, before the end of the lease term (anniversary date).

Example 2: Lisa Dewhurst begins higher education classes 7/20/24 and is not exempt from the community service requirement. Her community service requirement begins on 10/1/24, and her initial compliance is reviewed before the end of the lease term (anniversary date), which is 6/30/25.

- Ms. Dewhurst must perform 9 months of community service in her initial compliance period, before the end of the lease term (anniversary date).

### Nonexempt to Exempt Status

If a nonexempt person becomes exempt during the twelve- month lease term, it is the family's responsibility to report this change to the LACDA within 10 business days. Any claim of exemption will be verified by the LACDA in accordance with the policy at 11-I.D., Documentation and Verification of Exemption Status.

Within 10 business days of a family reporting such a change, or the LACDA determining such a change is necessary, the LACDA will provide the family written notice that the family member is no longer subject to the community service requirement, if the LACDA is able to verify the exemption.

The exemption will be effective immediately. The now-exempt adult resident shall only be responsible for the balance of community service hours for the time they were categorized as nonexempt during the 12-month lease term (next annual recertification).

Example 1: Tony Campo begins working on 5/10/24 and is now exempt from the community service requirement. His community service requirement is exempt effective on the date is verified Anniversary date is 2/1/25.

- Tony must perform 3 months of community service for his initial compliance period determined on 2/1/2024. Community service months need to be completed before the end of the lease term (1/31/2025).

Example 2: Shelly Brooks begins higher education courses on 8/20/24 and is now exempt from the community service requirement. Her community service requirement is exempt effective the date of verification. Anniversary date is 11/1/24.

- Shelly must perform 9 months of community service for her initial compliance period determined on 11/1/2023. Community service months need to be completed before the end of the lease term (10/31/2024).

## **11-I.D. DOCUMENTATION AND VERIFICATION [24 CFR 960.605(c)(4), 960.607, Notice PIH 2016-08]**

The LACDA must retain reasonable documentation of service requirement performance or exemption in participant files.

### **Documentation and Verification of Exemption Status**

#### LACDA Policy

All family members who claim they are exempt from the community service requirement will be required to sign the community service exemption certification form found in Exhibit 11-3. The LACDA will provide a completed copy to the family and will keep a copy in the tenant file.

The LACDA will verify that an individual is exempt from the community service requirement by following the verification hierarchy and documentation requirements in Chapter 7.

The LACDA makes the final determination whether or not to grant an exemption from the community service requirement. If a resident does not agree with the LACDA's determination, s/he can dispute the decision through the LACDA's grievance procedures (see Chapter 14).

### **Documentation and Verification of Compliance**

At each regularly scheduled reexamination, each nonexempt family member presents a signed standardized certification form developed by the LACDA of community service and self-sufficiency activities performed over the last 12 months [Notice PIH 2015-12].

If qualifying community service activities are administered by an organization other than the LACDA, a family member who is required to fulfill a service requirement must provide documentation required by the LACDA. The LACDA requires a self-certification or certification from the family member completing the CSSR hours, and may require a CSSR verification from a third party if necessary [24 CFR 960.607].

The LADCA accepts self-certification of compliance with the community service requirement, it must provide a form which includes a statement that the client performed the required hours, contact information for the community service provider, a description of activities performed, and dates of service. The LACDA will validate a sample of certifications through third-party documentation. The PHA must notify families that self-certification forms are available and that a sample of self-certifications will be validated.

HUD strongly encourages PHAs to investigate community service compliance when there are questions of accuracy.

### LACDA Policy

Each adult resident that is subject to the community service requirement will be required to provide a completed self-certification form provided by the LACDA for each organization or person for which the resident performed the CSSR activity..

Families will be required to submit the documentation to the LACDA, upon request by the LACDA, at least annually. The LACDA self-certification form includes the following information:

The LACDA's self-certification form includes the following information:

- A statement that the resident has completed the number of hours listed and that the statement is subject to penalties of perjury;
- The number of hours and type of activity (community service or self-sufficiency) that the resident completed;
- The name of the organization or person for which the activity was completed;
- The address of the organization or person;
- The phone number of the organization or person;
- A contact person in the organization or the person for which the activity was completed.

### **Fraudulent Self-Certification**

If the LACDA has reasonable cause to believe that the certification provided by the family is false or fraudulent, the LACDA has the right to require additional third-party verification.

The LACDA will deem the resident noncompliant pursuant to 24 CFR 960-607 and will issue a notice to comply with CSSR. If the resident agrees to sign a work-out agreement, the LACDA shall obtain written third-party documentation of the resident's compliance with the requirements of the work out agreement. Should the resident refuse to enter into a work-out agreement, the LACDA shall take steps to terminate the tenancy of the resident by the next recertification/12-month period. (PIH Notice 2015-12).

### **Residents Ineligible for Community Service Requirement Self-Certification**

The LACDA will not accept resident self-certification for a resident subject to a work-out agreement until the resident has completed, and the LACDA has verified through a third party, that the resident has completed the required hours. For these residents, if community service activities are administered by an organization other than the LACDA, the LACDA will obtain a third-party verification.

### **Annual Community Service Requirement Self-Certification HUD Validation Requirements (24 CFR 960.605)**

The LACDA must validate a sample of self-certifications with the third-party for whom the resident completed the community service or self-sufficiency activity. The sample of self-certifications the LACDA validates shall be a statistically valid, random sample. HUD PIH Notice 2016-06 provides

the appropriate sampling methodology to be used by the LACDA when determining how many self-certifications must be validated annually.

For example, if the LACDA has a universe of self-certifications of 50 must validate at least 29 of the self-certifications to meet the statistically valid requirement. The LACDA with a universe of 500 must validate 60 self-certifications to meet the statistically valid requirement. The “universe” of self-certification shall only include residents that submitted a self-certification, and shall not include:

1. Residents that are under the age of 18 years or 62 years or older;
2. Residents that are exempt;
3. Residents for which the LACDA receives third part verification of completion of the community service requirement; and
4. Residents that did not complete the required community service requirement.

Due to the number of residents subject to the community service requirement constantly fluctuating due to unit turnover, resident employment, etc., the LACDA shall choose a point in time annually to calculate the universe of self-certification received during the previous 12 months.

#### Validating the Community Service Requirement

To validate a self-certification, the LACDA shall obtain a third-party documentation that includes, at a minimum, the name of the organization or person, the number of hours completed by the resident, a signature from the appropriate staff person within the third-party organization or person and that staff person’s contact information. Consistent with the written third-party verification techniques outlined in PIH Notice 2010-19, the LACDA may accept third-party generated documentation directly from the third-party or from the resident.

## **11-I.E. NONCOMPLIANCE**

### **Noncompliant Residents**

The lease specifies that it is renewed automatically for all purposes unless the family fails to comply with the CSSR and families determined to be over-income for 24 consecutive months. Violation of the service requirement is grounds for nonrenewal of the lease at the end of the 12-month lease term, but not for termination of tenancy during the course of the 12-month lease term [24 CFR 960.603(b)].

PHAs may not evict a family due to CSSR noncompliance. However, if LACDA finds a tenant is noncompliant with CSSR, the LACDA must provide written notification to the tenant of the noncompliance which must include:

- A brief description of the finding of non-compliance with CSSR.
- A statement that the LACDA will not renew the Lease at the end of the current 12-month lease term unless the tenant enters into a written work-out agreement with the LACDA or the family provides written assurance that is satisfactory to the LACDA explaining that the tenant or other noncompliant resident no longer resides in the unit. Such written work-out agreement must include the means through which a noncompliant family member will comply with the CSSR requirement [24 CFR 960.607(c), Notice PIH 2015-12].

The notice must also state that the tenant may request a grievance hearing on the LACDA's determination, in accordance with the LACDA's grievance procedures, and that the tenant may exercise any available judicial remedy to seek timely redress for the LACDA's nonrenewal of the lease because of the LACDA's determination.

### LACDA Policy

The notice of noncompliance will be sent at least 45 days prior to the end of the lease term, notice will include a brief description of the finding of non-compliance with the CSSR, including a statement that the LACDA will not renew the Lease Agreement at the end of the current 12-month lease term unless the tenant enters into a written work-out agreement with the LACDA or the family provides written assurance that is satisfactory to the LACDA explaining that the tenant or other noncompliant resident no longer resides in the unit.

Such written work-out agreement will include the means through which a noncompliant family member will comply with the CSSR requirement.

The family will have must comply by the established due date to enter into a written work-out agreement to cure the noncompliance over the 12-month term of the new lease, provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing.

If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before the LACDA will agree to continued occupancy of the family.

Documentation must consist of a certification signed by the head of household as well as evidence of the current address of the family member that previously resided with them.

If the family does not request a grievance hearing or does not take either corrective action required by the notice of noncompliance within the required established due date, the LACDA will terminate tenancy in accordance with the policies in Section 13-IV.D.

### **Continued Noncompliance and Enforcement Documentation [24 CFR 960.607(b)]**

Should a family member refuse to sign a written work-out agreement or fail to comply with the terms of the work-out agreement, the LACDA will initiate termination of tenancy proceedings at the end of the current 12-month lease term (see 24 CFR 966.53(c)) for failure to comply with lease requirements. When initiating termination of tenancy proceedings, the LACDA will provide the following procedural safeguards:

- Adequate notice to the tenant of the grounds for terminating the tenancy and for non-renewal of the lease;
- Right of the tenant to be represented by counsel;
- Opportunity for the tenant to refute the evidence presented by the LACDA, including the right to confront and cross-examine witnesses and present any affirmative legal or equitable defense which the tenant may have; and,
- A decision on the merits.

### LACDA Policy

Notices of continued noncompliance will be sent at least 30 days prior to the end of the lease term and will also serve as the family's termination notice. The notice will meet the requirements for termination notices described in Section 13-IV.D, Form, Delivery, and Content of the Notice.

The family will have 10 business days from the date of the notice of non-compliance to provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing.

If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before the LACDA will agree to continued occupancy of the family. Documentation must consist of a certification signed by the head of household as well as evidence of the current address of the noncompliant family member that previously resided with them.

A family may submit a written request for a grievance hearing, in accordance with the LACDA's Grievance Procedures (24 CFR Part 966, subpart B), and the tenant may exercise any available judicial remedy to seek timely redress for the LACDA's nonrenewal of the lease because of such determination.

If the family does not request a grievance hearing, or provide such documentation within the established due date, the family's lease will not be renewed and the LACDA will proceed with the terminate of the family's housing assistance.

## EXHIBIT 11-A

### DEFINITION OF A PERSON WITH A DISABILITY UNDER SOCIAL SECURITY ACTS 216(i)(I) and Section 1416(excerpt) FOR PURPOSES OF EXEMPTION FROM COMMUNITY SERVICE

#### Social Security Act:

**216(i)(1):** Except for purposes of sections 202(d), 202(e), 202(f), 223, and 225, the term “disability” means (A) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, or (B) blindness; and the term “blindness” means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of this paragraph as having a central visual acuity of 20/200 or less.

#### Section 1416 (excerpt):

SEC. 1614. [42 U.S.C. 1382c] (a)(1) For purposes of this title, the term “aged, blind, or disabled individual” means an individual who—

(A) is 65 years of age or older, is blind (as determined under paragraph (2)), or is disabled (as determined under paragraph (3)), and

(B)(i) is a resident of the United States, and is either (I) a citizen or (II) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 212(d)(5) of the Immigration and Nationality Act), or

(ii) is a child who is a citizen of the United States and, who is living with a parent of the child who is a member of the Armed Forces of the United States assigned to permanent duty ashore outside the United States.

(2) An individual shall be considered to be blind for purposes of this title if he has central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of the first sentence of this subsection as having a central visual acuity of 20/200 or less. An individual shall also be considered to be blind for purposes of this title if he is blind as defined under a State plan approved under title X or XVI as in effect for October 1972 and received aid under such plan (on the basis of blindness) for December 1973, so long as he is continuously blind as so defined.

(3)(A) Except as provided in subparagraph (C), an individual shall be considered to be disabled for purposes of this title if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months.



## Chapter 12

### TRANSFER POLICY

#### INTRODUCTION

This chapter explains the LACDA's transfer policy, based on HUD regulations, HUD guidance, and LACDA policy decisions.

It is the policy of the LACDA to permit a resident to transfer within or between housing developments under certain circumstances set forth below. The LACDA Executive Director shall retain discretionary authority to approve/disapprove all transfers.

The LACDA will always consider transfer requests as a reasonable accommodation for a person with a disability.

All transfers will be made without regard to race, color, religion, sex, gender, gender identity and expression, family status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18), national origin, marital status, ancestry, age, sexual orientation, disability, medical condition, source of income, genetic information, military and veteran status, arbitrary characteristics, or any other basis prohibited by law. Residents can be transferred to accommodate a disability.

Except under certain limited circumstances, residents will receive one (1) unit offer for a transfer, whether for LACDA-initiated transfers or resident-initiated transfer requests approved by the LACDA. Refusal of an Emergency/Mandatory transfer initiated by the LACDA without good cause may result in lease termination. Refusal of an offer in response to a Resident initiated transfer request without good cause will result in the removal of the household from the transfer list.

This chapter describes HUD regulations and LACDA policies related to transfers in five (5) parts:

Part I: Emergency Transfers. This part describes emergency transfers, emergency transfer procedures, and payment of transfer costs.

Part II: LACDA Required/Initiated Transfers. This part describes types of transfers that may be required by the LACDA, notice requirements, and payment of transfer costs.

Part III: Resident Initiated Transfers. This part describes types of transfers that may be requested by residents, eligibility requirements, security deposits, payment of transfer costs, and handling of transfer requests.

Part IV: Temporary Relocation. This part describes when temporary relocation will be required by the LACDA, notice requirements, and relocation costs.

Part V: Transfer Processing. This part describes creating a waiting list, prioritizing transfer requests, the unit offer policy, examples of good cause, deconcentration, transferring to another development and reexamination.

Under certain circumstances the LACDA may require that a household transfer to another unit at the same public housing development or to another public housing development. The

LACDA initiated transfers in Part II shall take priority over new admissions. The LACDA prioritizes transfers in the order delineated below:

1. Emergency Transfers (see Part I)
2. Administrative Transfers (see Part II)
3. Occupancy Standards Transfers (see Part II)
4. Other LACDA Initiated Transfers (see Part II)
5. Resident Initiated Transfers (see Part III)

There are also emergency circumstances under which alternate accommodations for the tenant must be provided, that may or may not require a transfer.

The tenant may also request a transfer, such as a request for a new unit as a reasonable accommodation.

The LACDA must have specific policies in place to deal with acceptable transfer requests.

## **PART I: EMERGENCY TRANSFERS**

### **12-I.A. OVERVIEW**

HUD categorizes certain situations that require emergency transfers [PH Occ GB, p. 147]. The emergency transfer differs from a typical transfer in that it requires immediate action by the LACDA.

In the case of a genuine emergency, it may be unlikely that the LACDA will have the time or resources to immediately transfer a tenant. Due to the immediate need to vacate the unit, placing the tenant on a transfer waiting list would not be appropriate. Under such circumstances, if an appropriate unit is not immediately available, the LACDA will find alternate accommodations for the tenant until the emergency passes, or a permanent solution, i.e., return to the unit or transfer to another unit, is possible.

## **12-I.B. EMERGENCY TRANSFERS**

If the dwelling unit is damaged to the extent that conditions are created which are hazardous to life, health, or safety of the occupants, the LACDA must offer standard alternative accommodations, if available, where necessary repairs cannot be made within a reasonable time [24 CFR 966.4(h)].

VAWA requires the LACDA to adopt an emergency transfer plan for victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking.

### LACDA Policy

The following are considered emergency circumstance warranting an immediate transfer of the tenant or family:

Maintenance conditions in the resident's unit, building or at the site that pose an immediate, verifiable threat to the life, health, or safety of the resident or family members that cannot be repaired or abated within 24 hours. Examples of such unit or building conditions would include: a gas leak, no heat in the building during the winter, no water, toxic contamination, and serious water leaks.

A verified incident of domestic violence, dating violence, sexual assault, stalking, or human trafficking. For instances of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the threat may be established through documentation outlined in section 16-VII.D. In order to request the emergency transfer, the requestor must submit an emergency transfer request form (HUD-5383) (Exhibit 16-4 of this ACOP), although, the LACDA may waive this requirement in order to expedite the transfer process.

The LACDA will immediately process requests for transfers due to domestic violence, dating violence, sexual assault, stalking, or human trafficking. The LACDA will allow a tenant to make an intra-property or outside-property emergency transfer under VAWA when a safe unit is immediately available. The LACDA defines *immediately available* as a vacant unit, that is ready for move-in within a reasonable period of time. If an intra-property or outside-property transfer to a safe unit is not immediately available, the LACDA will assist the resident in seeking an external emergency transfer either within or outside the LACDA's programs.

An emergency transfer may be initiated by the LACDA after it receives input from local law enforcement. In considering whether to initiate such transfers, the LACDA will take account of the circumstances creating the risk of violence (example Threat of Violence) and make a determination in the best interest of the resident and the LACDA. Requests for these transfers will be made to the LACDA Administrative Office with the necessary documentation to substantiate the need for such transfers.

The LACDA has adopted an emergency transfer plan, which is included as Exhibit 16-3 to this plan.

## **12-I.C. EMERGENCY TRANSFER PROCEDURES**

### LACDA Policy

Any condition that would produce an emergency work order would qualify a family for an emergency transfer if the repairs cannot be made within 24 hours.

If the transfer is necessary because of maintenance conditions, the LACDA will follow the Temporary Relocation policy (see Part IV). The family is entitled to alternative accommodations even if the tenant, household member, guest, or other covered person is responsible for the damage that caused the hazard or if a family is in the process of being evicted. If a unit become uninhabitable due to conditions caused by the resident, any member of the resident household, or the resident's guests, it will be addressed through the lease violation process and the resident shall not have the rights set forth above, or if the cause for the conditions is determined after the transfer, the LACDA may still terminate tenancy.

If the conditions that required the transfer cannot be repaired, or the condition cannot be repaired in a reasonable amount of time, the LACDA will transfer the resident to the first available and appropriate unit after the temporary relocation.

Emergency transfers that arise due to maintenance conditions are mandatory for the resident.

If the emergency transfer is necessary to protect a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the LACDA will follow procedures outlined in Exhibit 16-4.

## **12-I.D. COSTS OF TRANSFER**

### LACDA Policy

The LACDA will only incur the reasonable moving costs of transfers initiated by the LACDA due to demolition, disposition, revitalization, rehabilitation, and/or a reasonable accommodation for a resident with a disability.

The reasonable cost of transfers includes the cost of packing, moving, storing resident's furniture or personal items, and unloading. For more information regarding Temporary Relocation Options and/or stipends, refer to PART IV.



## **PART II: LACDA REQUIRED/INITIATED TRANSFERS**

### **12-II.A. OVERVIEW**

HUD regulations regarding transfers are minimal, leaving it up to the LACDA to develop reasonable transfer policies.

The LACDA may require that a resident transfer to another unit under some circumstances. For example, the LACDA may require a resident to transfer to make an accessible unit available to a disabled family. The LACDA may also transfer a resident in order to maintain occupancy standards based on family composition. Finally, a LACDA may transfer residents in order to demolish or renovate the unit.

A transfer that is required by the LACDA is an adverse action, and is subject to the notice requirements for adverse actions [24 CFR 966.4(e)(8)(i)].

Under certain circumstances the LACDA may require that a household transfer to another unit at the same public housing development or to another public housing development. The LACDA initiated transfers noted in the following section shall take priority over new admissions. The LACDA prioritizes transfers in the order delineated below:

- Emergency Transfers
- Administrative Transfers
- Occupancy Standards
- Other LACDA Initiated

Resident initiated transfers are found on PART III

### **12-II.B. TYPES OF LACDA REQUIRED/INITIATED TRANSFERS**

#### **Emergency Transfers:**

Emergency transfers (which includes VAWA) are mandatory when the LACDA determines that conditions pose an immediate threat to resident life, health, or safety. Emergency transfers may be made to permit repair of unit defects hazardous to life, health, or safety. If a unit become uninhabitable due to conditions caused by the resident, any member of the resident household, or the resident's guests, it will be addressed through the lease violation process and the resident shall not have the rights set forth above, or if the cause for the conditions is determined after the transfer, the LACDA may still terminate tenancy; alleviate verified disability problems of a life threatening nature; or to protect residents due to a reasonable fear of direct violence. Such transfers may be initiated after the LACDA receives input from local law enforcement. In considering whether to initiate such transfers, the LACDA will take.

account the circumstances creating the risk of violence (example Threat of Violence) and make a determination in the best interest of the resident and the LACDA. Requests for these transfers will be made to the LACDA Administrative Office with the necessary documentation to substantiate the need for such transfers.

## **Administrative Transfers**

### LACDA Policy

The types of Administrative Transfers that may be required by the LACDA, include, but are not limited to,

- Transfers to remove resident(s) who are victims of a violent or hate crimes or are witnesses to violent or hate crimes and may face reprisals due to their cooperation with law enforcement and or residents who are victims of extreme harassment and other emergency transfers as discussed in Part I;
- Transfers to alleviate a verified medical problem of a serious, but not life-threatening, nature (reasonable accommodation);
- Transfers to allow unit for modernization, revitalization, rehabilitation, demolition disposition, and/or to perform work/repairs that cannot be completed within 24-hours (e.g., emergency repairs, lead hazard reduction work, etc.);
- Transfers to make an accessible unit available for a disabled family that require such a unit.

Transfers required by the LACDA are mandatory for the tenant. Residents **must** return the keys to their old unit within five (5) calendar days upon the execution of the new lease/keys provided for the new unit. Should the resident not return the keys to their old unit, the sending development, in addition to billing the resident, will also notify the receiving development of the resident's outstanding balance. Failure to pay outstanding charges to the LACDA is a material breach of the Lease Agreement and the resident will be subject to termination of their tenancy.

### **Transfers to Make an Accessible Unit Available**

When a family is initially given an accessible unit, but does not require the accessible features, the LACDA may require the family to agree to move to a non-accessible unit when it becomes available [24 CFR 8.27(b)].

### LACDA Policy

When a non-accessible unit becomes available, the LACDA will transfer a family living in an accessible unit that does not require the accessible features, to an available unit that is not accessible. The LACDA may wait until a disabled resident requires the accessible unit before transferring the family that does not require the accessible features out of the accessible unit.

When an accessible unit becomes available, The LACDA complies with HUD mandated requirement to modify the Admissions, Occupancy and Transfer policies and procedures in order to maximize the occupancy of its accessible units by eligible individuals whose disability requires the accessibility features of a particular unit. The LACDA takes reasonable non-discriminatory steps to maximize the utilization of accessible units by eligible individuals whose disability requires the accessibility features of a particular unit by taking the following steps:

- First, the unit will be offered to a current occupant with disabilities in the same

development that requires the accessibility features of the vacant accessible unit and occupying a unit not having those accessibility features. The LACDA will pay for the moving expenses to transfer a resident with a disability to an accessible unit as an accommodation for the resident's disability.

- Second, if there is no current resident in the same development who requires the accessibility features of the vacant, accessible unit, the LACDA will offer the unit to a current resident with disabilities residing in another development that requires the accessibility features of the vacant, accessible unit and occupying a unit not having those accessibility features. The LACDA will pay for the moving expenses to transfer a resident with a disability to an accessible unit as an accommodation for the resident's disability.
- Third, if there is no current resident who requires the accessibility features of the vacant, accessible unit, then the LACDA will offer the accessible unit to an eligible, qualified applicant with disabilities on the respective waiting list who can benefit from the accessible features of the available, accessible unit.
- Lastly, if there is not an eligible qualified resident or applicant with disabilities on the waiting list who wishes to reside in the available, accessible unit, then the LACDA will offer the available accessible unit to an applicant on the waiting list who does not need the accessible features of the unit. However, the LACDA will require the applicant to execute a lease that requires the resident to relocate, in accordance with the PH Lease.

## Occupancy Standards Transfers

The LACDA may require a resident to move when a reexamination indicates that there has been a change in family composition, and the family is either overcrowded or over-housed according to LACDA policy [24 CFR 960.257(a)(4)]. On some occasions, the LACDA may initially place a resident in an inappropriately sized unit at lease-up, where the family is over-housed, to prevent vacancies. The public housing lease must include the tenant's agreement to transfer to an appropriately sized unit based on family composition [24 CFR 966.4(c)(3)].

### LACDA Policy

The LACDA will transfer a family when the family size has changed, and the family is now too large (overcrowded) or too small (over-housed) for the unit occupied.

For purposes of the transfer policy, overcrowded and over-housed are defined as follows:

*Overcrowded:* the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides, according to the chart in Section 5-I.B.

*Over-housed:* the family no longer qualifies for the bedroom size in which they are living based on the LACDA's occupancy standards as described in Section 5-I.B.

The LACDA may elect not to transfer an over-housed family in order to prevent vacancies.

Transfers to correct occupancy standards may be recommended at time of re-examination or interim re-examination.

A family that is required to move because of family size will be advised by the LACDA that a transfer is recommended, and that the family has been placed on the transfer list.

When a HOH, originally housed in a bedroom by him/herself, has or adopts a child, the family will not be approved for an occupancy standard transfer until the child is four (4) years of age. Exceptions: Court Order, DCFS mandated requirements, spouse or marital-type partner is added to the Lease Agreement, or family decides to remain in the unit and the unit is large enough (using the smallest-unit standard) to accommodate the number of persons now in the household.

### **Other LACDA Initiated Transfers**

Other LACDA initiated transfers may be made to avoid concentration of the most economically and socially deprived families, or address situations that interfere with peaceful enjoyment of the premises.

In addition, the LACDA will determine whether to transfer a family to a different development, the LACDA will take into consideration the geographical distances between the current unit and the available vacant unit, which may delay requiring the family to transfer until a suitable unit within a reasonable distance or in the same development is available.

### **12-II.C. ADVERSE ACTION [24 CFR 966.4(e)(8)(i)]**

A LACDA required transfer is an adverse action. As an adverse action, the transfer is subject to the requirements regarding notices of adverse actions. If the family requests a grievance hearing within the required timeframe, the LACDA may not take action on the transfer until the conclusion of the grievance process.

### **12-II.D. COST OF TRANSFER**

#### LACDA Policy

The LACDA will only incur the reasonable moving costs of transfers initiated by the LACDA due to demolition, disposition, revitalization, rehabilitation, and/or a reasonable accommodation for a resident with a disability.

The reasonable cost of transfers includes the cost of packing, moving, storing resident's furniture or personal items, and unloading. For more information regarding Temporary Relocation Options and/or stipends, refer to PART IV.

## **PART III: RESIDENT INITIATED TRANSFERS**

### **12-III.A. OVERVIEW**

HUD provides the LACDA with discretion to consider transfer requests from tenants. The only requests that the LACDA is required to consider are requests for reasonable accommodation. All other transfer requests are at the discretion of the LACDA. To avoid administrative costs and burdens, this policy limits the types of requests that will be considered by the LACDA.

Transfers under VAWA that are requested by residents are given first priority over other types of transfers.

#### LACDA Policy

On November 16, 2016, the VAWA final rule was published in the Federal Register requiring emergency transfer plans for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking. Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation. Transfers under VAWA are considered “Emergency Transfers” which are given first priority over other types of transfers. This plan is based on a model emergency transfer plan provided by HUD form-5381. All other transfer policies in this chapter also apply to VAWA transfers.

The LACDA is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with VAWA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant’s current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

The ability of the LACDA to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether the LACDA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security.

### **Eligibility for Emergency Transfers**

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan. Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

### **Emergency Transfer Request Documentation**

To request an emergency transfer, the tenant shall notify their respective LACDA management office and submit a written request for a transfer. The tenant will be provided with HUD form-5383 "Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking". The LACDA will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under the Los Angeles County Development Authority's program; OR
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

### **Confidentiality**

The LACDA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives the LACDA written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the "Notice of Occupancy Rights under the Violence Against Women Act" HUD form-5380 for all tenants for more

information about the LACDA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

### **Emergency Transfer Timing and Availability**

The LACDA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. The LACDA will, however, prioritize this type of transfer and act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If the LACDA has no safe and available units for which a tenant who needs an emergency is eligible, the LACDA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, the LACDA will also assist tenants in contacting local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

### **Safety and Security of Tenants**

Pending processing of the transfer approval and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe, including but not limited to temporary housing by staying with family or friends. Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY). Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE or visit the online hotline at <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>. For referrals to local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking residents should contact their management office.

### **Any other resident-initiated transfer shall not take priority over new admissions:**

A resident shall have resided in their unit for a minimum of 24 months before being eligible for a transfer to another housing development. Each resident may not request more than one transfer

every four years. (Exceptions to this standard will be made for medical or other emergency situations under LACDA initiated transfers).

Furthermore, the LACDA will consider approving transfer requests, other than those for health and safety reasons, by taking into account whether the resident is in good standing with the LACDA. Please see Section E below, “Good Record Requirement for All Transfers”.

Residents requesting to transfer to another unit or development are required to submit a Resident Request to Transfer Form to the site management office. Within ten (10) calendar days, the Property Manager will review the request and determine if the resident is in good standing with the LACDA, has met the 24-month residency requirement, and has not transferred from another site within the last four years.

1. Upon determination by the Property Manager that the resident has met the transfer eligibility criteria, the Resident Request to Transfer Form (RRTF) will be submitted to the Area Manager for review and approval.
2. Should the request be approved, the LACDA will inform the resident in writing. In addition, once a unit becomes available for the unit transfer, the LACDA will advise the resident in writing of the location to allow the resident an opportunity to view and/or accept the unit offer. A resident must accept or reject the unit offered within two (2) calendar days of the date the offer is made.
3. Should a unit not be immediately available, LACDA will notify the resident that their name has been placed on the transfer list for the location and/or bedroom size desired. If the request is denied, the family will be sent a letter stating the reason for denial and offering the family an opportunity for an informal conference.
4. Requests to transfer to another unit within the same development, generally for medical reasons or to accommodate a smaller/larger family composition, will be reviewed and approved by the Property Manager. As units become vacant, the Property Manager will review the transfer list to determine if a request has been approved for a unit of a particular bedroom size and/or accessibility features. The Property Manager will advise the Area Manager that the unit has been flagged for an intra-development transfer. In cases where the Property Manager denies the transfer request, the resident will be notified in writing of the decision and offered an opportunity for an informal conference.

### **12-III.B. ELIGIBILITY FOR TRANSFER**

Transferring residents do not have to meet the admission eligibility requirements pertaining to income or preference. However, the LACDA may establish other standards for considering a transfer request [PH Occ GB, p. 150].

#### LACDA Policy

Any resident-initiated transfer shall **not** take priority over new admissions:

A resident shall have resided in their unit for a minimum of 24 months before being eligible for a transfer to another housing development. Each resident may not request more than one transfer every four years. (Exceptions to this standard will be made for medical or other emergency situations under LACDA initiated transfers).

Furthermore, the LACDA will consider approving transfer requests, other than those for health and safety reasons, by taking into account whether the resident is in good standing with the LACDA. In order for the resident to be in good standing, they have to meet the “Good Record Requirement for All Transfers” criteria.

#### **Good Record Requirement For All Transfers**

In general, and in all resident-requested transfers, residents will be considered for transfers only if the head of household and any other household members for the past 24 months:

- Have not engaged in criminal activity that threatens the health and safety of other residents and staff;
- Do not owe back rent, other charges, or demonstrate a pattern of late payment;
- Meet reasonable housekeeping standards and have no housekeeping lease citations; and
- can get utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities).

Exceptions to the good record requirements may be made for emergency transfers as deemed necessary by the LACDA.

- In situations that involve a Threat of Violence (TOV), and the resident has an existing Payment Agreement with the LACDA, the transferring resident shall enter into a repayment agreement that will be an Addendum to the Lease Agreement of the new residence, entitled “Repayment Agreement Addendum to the Los Angeles County Development Authority Public Housing Lease Agreement”.

Absent a determination of an exception, the following policy applies to transfers:

- If back rent is owed, the resident will not be transferred until the total amount of back rent is paid in full.
- A resident with housekeeping standards citations will not be transferred until

he/she passes a follow-up housekeeping inspection.

### **12-III.C. SECURITY DEPOSITS**

#### **LACDA Policy**

##### **Disposition of Security Deposit for A Transfer to A New Housing Development**

The LACDA will charge the family for any damages to the previous unit that exceed that unit's security deposit. If there is a balance left on the original security deposit, it will be refunded within 21-days following the move-out. The family will be charged a new security deposit and must pay the security deposit to the receiving development upon move-in. Any charges due prior to move out (i.e., delinquent maintenance charges, late rent fee, etc.) will be billed by the previous housing development to the resident. Moreover, any "Other Charges" incurred after the resident vacates the unit (i.e., maintenance charges) which exceed the security deposit will also be billed to the resident. The resident must pay "Other Charges" within 30 calendar days of receiving an invoice. "Other Charges" are reasonable charges beyond normal wear and tear for repair or damage to the residence or for unauthorized alteration to the residence or common areas caused by the resident, other household members or guests.

##### **Disposition of Security Deposit for A Transfer Within the Same Housing Development**

If there is a balance left on the original security deposit (previous unit), it will be refunded within 21-days following move-out. Any charges due prior to move out (i.e., delinquent maintenance charges, late rent fee, etc.) will be billed to the resident. Moreover, any "Other Charges" incurred after the resident vacates the previous unit (i.e., maintenance charges) which exceed the security deposit will also be billed to the resident. The resident must pay "Other Charges" within 30 calendar days of receiving an invoice. "Other Charges" are reasonable charges beyond normal wear and tear for repair or damage to the residence or for unauthorized alteration to the residence or common areas caused by the resident, other household members or guests.

##### **Lease Agreement Addendum for Repayment of Debts Owed to the LACDA Related to Pre-Transfer Unit**

The beneficiary of a transfer must repay any debts owed to the LACDA related to the pre-transfer unit. In order to assure that a Resident who is the beneficiary of a transfer satisfies any debts owed to the LACDA related to their pre-transfer unit, the transferring resident shall enter into a repayment agreement that will be an Addendum to the Lease Agreement of the new residence, entitled "Repayment Agreement Addendum to the Los Angeles County Development Authority Public Housing Lease Agreement". The failure of the transferring Resident to pay the debts owed to the LACDA related to their pre-transfer unit shall be a material breach of the Lease Agreement for the new residence.

In the case of LACDA initiated transfers, the inability to pay the security deposit should not delay the transfer and will be handled on a case-by-case basis.

### **12-III.D. COST OF TRANSFER**

The LACDA must pay moving expenses to transfer a resident with a disability to an accessible

unit as an accommodation for the resident's disability [Notice PIH 2010-26].

#### LACDA Policy

Residents are responsible for all moving costs related to a Resident Initiated transfer. The LACDA will only incur the reasonable moving costs of transfers initiated by the LACDA due to demolition, disposition, revitalization, rehabilitation, and/or a reasonable accommodation transfer for a resident with a disability.

### **12-III.E. HANDLING OF REQUESTS**

#### LACDA Policy

In order to request the emergency transfer under VAWA, the resident will be required to submit an emergency transfer request form (HUD-5383) (Exhibit 16-4 of this ACOP) to their LACDA management office. Refer to the VAWA Emergency Transfer Plan for the handling of VAWA transfers.

If the family does not meet the "good record" requirements under Section 12-III.B., the Property Manager will address the problem and, until resolved, the request for transfer will be denied.

Resident initiated transfers, whether to another unit or development, require a Resident Request to Transfer Form (RRTF) be submitted to the site Management office. Within ten (10) calendar days, the Property Manager will review the request and determine if the resident is in good standing with the LACDA, has met the 24-month residency requirement, and has not transferred within the last four (4) years.

1. Upon determination by the Property Manager that the resident has met the transfer eligibility criteria, the RRTF will be submitted to the Operation's Manager for review and approval.
2. If the request is denied, the family will be sent a letter stating the reason for denial. The family will be informed of their grievance rights in accordance with Chapter 14.
3. Should the request be approved, the LACDA will inform the resident in writing. In addition, once a unit becomes available for the unit transfer, the LACDA will advise the resident in writing of the location to allow the resident an opportunity to view and/or accept the unit offer. A resident must accept or reject the unit offered within two (2) calendar days of the date the offer is made.
4. Should a unit not be immediately available, LACDA will notify the resident that their name has been placed on the transfer list for the location and/or bedroom size desired.
5. Requests to transfer to another unit within the same development, generally for medical reasons or to accommodate a smaller/larger family composition, will be reviewed and approved by the Property Manager. As units become vacant, the Property Manager will review the transfer list to determine if a request has been approved for a unit of a particular bedroom size and/or accessibility features. The Property Manager will advise the Operation's Manager that the unit has been

flagged for an intra-property transfer. In cases where the Property Manager denies the transfer request, the resident will be notified in writing of the decision and informed of their grievance rights in accordance with Chapter 14.

Except under certain limited circumstances, residents will receive one (1) unit offer for a transfer, whether for LACDA-initiated transfers or resident-initiated transfer requests approved by the LACDA. Refusal of an Emergency/Mandatory transfer initiated by the LACDA without good cause may result in lease termination. Refusal of an offer in response to a Resident initiated transfer request, without good cause, will result in the removal of the household from the transfer list.

## **PART IV: TEMPORARY RELOCATION POLICY**

### **12-IV.A. OVERVIEW**

Temporary relocation is defined when a resident is relocated for a period no longer than twelve (12) months because their unit will undergo a capital improvement project. In general, temporarily relocated residents must be reimbursed for their reasonable out-of-pocket expenses related to the temporary move (i.e., increased housing costs, pet lodging, and moving expenses).

In the event a resident is displaced for more than twelve (12) months, HUD requires that a residential resident be offered permanent displacement assistance.

### **12-IV.B. TYPES OF PROJECTS THAT REQUIRE TEMPORARY RELOCATION**

The following warrant the LACDA to temporarily relocate the resident,

- Rehabilitation, modernization, or maintenance repairs that require packing, moving, or storing residents' furniture or personal items.
- Rehabilitation, modernization, or maintenance repairs that impact the unit kitchen or bathroom where the work prevents use of these areas.
- Emergency maintenance repairs that cannot be abated within 24-hours (i.e., gas leaks, floods, large roof leaks, etc.)
- Termite and/or other infestation abatement that temporarily renders the dwelling unit uninhabitable due to multiple days of treatment.

#### **Temporary Relocation Options:**

Resident will be provided the following options when a temporary relocation is required.

- Lodge in a moderately priced hotel in the same community within 15 miles of the Housing Development or specific desired location with prior approval by the LACDA;
- Reside with a friend or family member's residence;
- An on-site comparable replacement unit; or,
- A comparable replacement unit off-site. This unit must be functionally equivalent to the unit being renovated. It should be in the same community as the Housing Development to minimize such impacts as: school transfers on the residents and their children, access to transportation networks, proximity to employment, etc.

Due to limited availability, comparable replacement units are reserved for residents who request and are approved for such units via a reasonable accommodation.

### **12-IV.C. TYPES OF PROJECTS THAT DO NOT REQUIRE TEMPORARY RELOCATION**

The following does not warrant the LACDA to temporarily relocate the resident,

- Short-term projects to switch over to new equipment/fixtures, HVAC or A/C equipment,

receptacles, or equipment, if the electrical, gas and water service to a unit is not interrupted for more than 24 hours.

- Projects where ingress and egress can be safely maintained throughout construction (i.e., window replacements, Solar Projects, Non-Emergency Roof Replacement/Repairs, etc.).

Resident can request relocation due to odors, dust, debris, noise, other hazards, or due to a reasonable accommodation. Relocation request will be determined on a case-by-case basis.

## **12-IV.D. EMERGENCY TRANSFER PROCEDURES**

### **Notices & Forms**

The Temporary Displacement letter and Resident Option Form must be served to residents at least 30 days prior to the date the residents will be required to temporarily vacate their unit. These forms provide the opportunity for residents to choose the temporary relocation option that best suits their household needs. The Temporary Displacement letter and Resident Option Form will be issued to residents by the site management staff. A copy of the form will be scanned and uploaded to the resident's electronic file in Laserfiche. Upon receipt of the form, the Housing Operations Analyst will secure the hotel accommodation, if necessary, and prepare the stipend for the resident. The designated site management staff shall remain the primary point of contact for the resident.

### **Resident Community Meetings**

After the Relocation Form is issued, residents will be invited to attend a Resident Community Meeting (RCM), where they will be presented an overview of the temporary relocation process and to address any questions or concerns. Residents will be given at least seven (7) days' notice prior to the RCM meeting. The RCM meeting will be conducted by site management. During the RCM, residents are encouraged to submit all missing documents to the site management team to facilitate the relocation process. Residents that are unable to attend the RCM will be contacted by the site Management staff at least three (3) business days before the displacement period to go over the material presented during the RCM. Residents that require reasonable accommodation such as a home visit due to mobility limitations, services for sight or hearing impairments or any other special needs, should request a one-on-one appointment with site management staff.

### **Grievance Process**

Residents who wish to grieve the provided relocation options may file a grievance. The resident must submit a grievance request as described on Chapter 14.

### **Stipends**

Residents are required to return the Resident Option Form 14 business days prior to the planned displacement to trigger the internal process for processing stipends.

Stipends (if any) will be provided within seven (7) business days after a request.

Pet stipend is only applicable when the pet is placed in a qualified pet lodging facility. Upon submission of the verified and approved receipt, a pet stipend will be issued to the resident.

Upon release of the stipends to the residents, the Vendor Payment Receipt Acknowledgement

form must be completed and signed by the resident and site management staff. After the forms are collected, the site staff will return the forms to the Housing Operations Analyst within three (3) business days.

#### **12-IV.E. UNPLANNED EMERGENCY RESIDENT DISPLACEMENT**

Site staff shall coordinate with the Housing Operations Analyst immediately upon discovery of an emergency. The LACDA's goal is to secure and safeguard residents, staff, and the property.

The LACDA shall coordinate, as deem necessary, to,

- Secure and pay for temporary lodging for all affected residents;
- Coordinate with the Site Maintenance Supervisor to assess the damage to the unit(s);
- Contact and order remediation services to minimize further damage to the property;
- Provide complete disposition upon addressing the emergency situation to the management team.

The process of providing notice and conducting the RCM meeting/one-on-one appointments and obtaining the Resident Option Form upfront will be waived in all emergency situations. Residents have the right to refuse assistance or request an alternative option once the matter is stabilized; however, the LACDA shall document resident's refusal and submit to management.

The Housing Operations Analyst will follow the same protocol as stated for all accommodations and stipend requests. Due to nature of emergencies and unforeseen events, payments cannot be issued immediately. Payments will be issued to residents after they have been safely relocated.

#### **12-IV.D. ADVERSE ACTION [24 CFR 966.4(e)(8)(i)]**

A LACDA temporary relocation transfer is an adverse action. As an adverse action, the transfer is subject to the requirements regarding notices of adverse actions. If the family requests a grievance hearing within the required timeframe, the LACDA may not take action on the transfer until the conclusion of the grievance process.

#### **12-IV.F. COST OF TRANSFER**

##### LACDA Policy

The LACDA is only responsible for the room, room related taxes, pet, and parking fees when applicable. The resident/hotel guests will be responsible for ALL incidentals, room damages, phone charges, and any other guest-ordered services, which shall include but not be limited to room services, valet parking, housekeeping, and/or laundry services.

Further, residents selecting hotel accommodation must be informed that a credit card or debit card is required when checking in. When using a debit card, funds might be held by the hotel as an authorization, and these funds will not be accessible for use. The release of these held funds are often released 5 to 10 days after being returned by the hotel.

Though most hotels accept pets at their respective establishments, hotels consider dogs and cats as pets, and other animals typically are not accepted. Any other animals will be evaluated on a case-by-case basis.

The LACDA will establish lodging or per diem stipend based on the typical costs in the community. To establish typical costs, the LACDA will collect information from rates in the community that provide these services.

The LACDA will reimburse the eligible family for eligible out-of-pocket expenses up to the LACDA's established stipends.

## **PART V: TRANSFER PROCESSING**

### **12-V.A. OVERVIEW**

Generally, families who request a transfer should be placed on a transfer list and processed in a consistent and appropriate order. The transfer process must be clearly auditable to ensure that residents do not experience inequitable treatment.

### **12-V.B. TRANSFER LIST**

#### LACDA Policy

The LACDA maintains a transfer list at each Housing Development to ensure that transfers are processed in the priority order and that procedures are uniform across all properties.

All transfers, including emergency transfers will be placed on a transfer list. However, emergency transfers will be handled immediately in accordance with the LADCA's priority transfer policy.

Transfers will be sorted into their appropriate priority status by the Property Manager for their respective sites. Transfers will be made in the following order:

1. Emergency transfers (hazardous maintenance conditions, VAWA)
2. Administrative Transfers (verified medical condition, threat of harm or criminal activity, and reasonable accommodation)
3. Occupancy Standards
4. Other LACDA Initiated Transfers
5. Resident Initiated Transfers

Within each category, transfer requests will be sorted by the date the completed request (including any verification needed) is received by LACDA staff.

With the approval of the LACDA Executive Director (ED), the LACDA may, on a case-by-case basis, transfer a family without regard to its placement on the transfer list in order to address the immediate need of a family in crisis. The E shall retain discretionary authority to approve/disapprove all transfers.

In the event of demolition and renovation transfers will gain the highest priority as necessary to allow the LACDA to meet the demolition or renovation schedule.

## **12-V.C. TRANSFER OFFER POLICY**

### LACDA Policy

The LACDA will make a maximum of one (1) unit offer to residents. A resident must accept or reject the unit offered within two (2) calendar days of the date the offer is made. Residents are entitled to reject transfer offers for a “good cause.”

If the LACDA has no safe and available units for which a tenant who needs an emergency is eligible, the LACDA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move.

When the transfer is required by the LACDA, the refusal of that offer without good cause may result in lease termination.

When the transfer has been requested by the resident, the refusal of that offer without good cause will result in the removal of the family from the transfer list.

## **12-V.D. GOOD CAUSE FOR UNIT REFUSAL**

### LACDA Policy

Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

- The family demonstrates to the LACDA’s satisfaction that accepting the offer will place a family member’s life, health, or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, risk assessments related to witness protection from a law enforcement agency, or documentation of domestic violence, dating violence, stalking, or human trafficking in accordance with section 16-VII.D of this ACOP. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption;
- Unit is not of the proper size and type, and the transferred resident’s household would be able to reside there only temporarily;
- An elderly family makes the decision not to occupy or accept occupancy in designated housing; (24 CFR 945.303(d));
- A qualified health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member.
- The unit is inappropriate for the applicant’s disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move.
- The unit has lead-based paint and the family includes children under the age of seven (7).

The LACDA will require documentation of good cause for unit refusals.

## **12-V.E. DECONCENTRATION**

### LACDA Policy

If subject to deconcentration requirements, the LACDA will consider its deconcentration goals when transfer units are offered. When feasible, families above the Established Income Range will be offered a unit in a development that is below the Established Income Range, and vice versa, to achieve the LACDA's deconcentration goals. A deconcentration offer will be considered a "bonus" offer; that is, if a resident refuses a deconcentration offer, the resident will receive one additional transfer offer.

## **12-V.F. REEXAMINATION POLICIES FOR TRANSFERS**

### LACDA Policy

A Recertification (50058 Action Type 2 or 12) will not be conducted at the time of transfer unless the actual move in date occurs on the household annual recertification date or the Flat Rent update. The date of annual recertification will not change upon the completion of the transfer.



## Chapter 13

### LEASE TERMINATIONS

#### INTRODUCTION

Either party to the dwelling lease agreement may terminate the lease in accordance with the terms of the lease. A public housing lease is different from a private dwelling lease in that the family's rental assistance is tied to their tenancy. When the family moves from their public housing unit, they lose their rental assistance. Therefore, there are additional safeguards to protect the family's tenancy in public housing.

The LACDA may terminate tenancy for a family based on the resident's action(s) or failure to act in accordance with HUD regulations [24 CFR 966.4 (l)(2)], and the terms of the Public Housing Lease Agreement. This chapter describes the LACDA's policies for notification of lease termination and provisions of the Lease Agreement.

This chapter presents the policies that govern termination of the lease by the family and the mandatory and voluntary termination of the lease by the LACDA. It is presented in four parts:

Part I: Termination by Resident. This part discusses the LACDA requirements for voluntary termination of the lease by the family.

Part II: Termination by the LACDA - Mandatory. This part describes circumstances when termination of the lease by the LACDA is mandatory. This part also explains nonrenewal of the lease for noncompliance with community service requirements and families that have been over the income limit for 24 consecutive months.

Part III: Termination by the LACDA – Other Authorized Reasons. This part describes the LACDA's options for lease termination that are not mandated by HUD regulation but for which HUD authorizes LACDA to terminate. For some of these options, HUD requires the LACDA to establish policies and lease provisions for termination, but termination is not mandatory. For other options the LACDA has full discretion whether to consider the options as just cause to terminate as long as the LACDA policies are reasonable, nondiscriminatory, and do not violate State or local landlord-tenant law. This part also discusses the alternatives that the LACDA may consider in lieu of termination, and the criteria the LACDA will use when deciding what actions to take.

Part IV: Notification Requirements. This part presents the Federal requirements for disclosure of criminal records to the family prior to termination, the HUD requirements and LACDA policies regarding the timing and content of written notices for lease termination and eviction, and notification of the post office when eviction is due to criminal activity. This part also discusses record keeping related to lease termination.



## **PART I: TERMINATION BY TENANT**

### **13-I.A. TENANT CHOOSES TO TERMINATE THE LEASE [24 CFR 966.4(k)(1)(ii) and 24 CFR 966.4(l)(1)]**

The family may terminate the lease at any time, for any reason, by following the written notification procedures as outlined in the Lease.

#### LACDA Policy

The resident may terminate their Lease Agreement by providing the LACDA with a **written 30-day advance notice** as defined in the Lease Agreement. The LACDA in its sole discretion, may reinstate the tenancy of a family within 120 days after move-out. The former resident(s) must have been in good standing with the LACDA. Good standing means the former resident(s) demonstrated prompt rent paying habits; maintained adequate housekeeping standards; and had a good overall record since living in public housing.

The former household must undergo criminal background check in accordance with the Suitability Criteria in Chapter 2. Once the LACDA has approved the former resident's request for re-instatement, the LACDA must conduct a full annual income review and will verify tenant provided documents in accordance with HUD's verification requirements. The LACDA will then enter into a new Lease Agreement with the returning household.



## **PART II: TERMINATION BY LACDA – MANDATORY**

### **13-II.A. OVERVIEW**

HUD requires mandatory termination of the lease for certain actions or inactions of the family.

For those tenant actions or failures to act where HUD requires termination, the LACDA has no such option. In those cases, the family's lease must be terminated. This part describes situations in which HUD requires the LACDA to terminate the lease.

### **13-II.B. FAILURE TO PROVIDE CONSENT [24 CFR 960.259(a) and (b)]**

The LACDA must terminate the lease if any family member fails to sign and submit any consent form s/he is required to sign for any reexamination. See Chapter 7 for a complete discussion of consent requirements.

### **13-II.C. FAILURE TO DOCUMENT CITIZENSHIP [24 CFR 5.514(c) and (d) and 24 CFR 960.259(a)]**

The LACDA must terminate the lease if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status; (2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family, resulting in no eligible family members; or (3) a family member, as determined by the LACDA, has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit. For (3), such termination must be for a period of at least 24 months. This does not apply to ineligible noncitizens already in the household where the family's assistance has been prorated.

See Chapter 7 for a complete discussion of documentation requirements.

### **13-II.D. FAILURE TO DISCLOSE AND DOCUMENT SOCIAL SECURITY NUMBERS [24 CFR 5.218(c), 24 CFR 960.259(a)(3), Notice PIH 2018-24]**

The LACDA must terminate assistance if a participant family fails to disclose the complete and accurate social security numbers of each household member and the documentation necessary to verify each social security number.

However, if the family is otherwise eligible for continued program assistance, and the LACDA determines that the family's failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside of the family's control, the LACDA may defer the family's termination and provide the opportunity to comply with the requirement within a period not to exceed 90 calendar days from the date the LACDA determined the family to be noncompliant.

#### **LACDA Policy**

The LACDA will defer the family's termination and provide the family with the opportunity to comply with the requirement for a period of 90 calendar days for circumstances beyond the participant's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency, if there is a reasonable likelihood that the participant will be able to disclose an SSN by the deadline.

If a member legally cannot obtain a Social Security Number, he/she must sign a certification stating that he/she does not have one. The certification shall:

- State the individual's name, state that the individual has not been issued a Social Security Number;
- State that the individual will disclose the Social Security Number to the LACDA, if he/she obtains one at a later date;
- Be signed and dated.

A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "Mixed Families". Such families will be notified that their assistance will be prorated, and they will be informed of their right for grievance in accordance with Chapter 14.

See Chapter 7 for a complete discussion of documentation and certification requirements.

### **13-II.E. FAILURE TO ACCEPT THE LACDA'S OFFER OF A LEASE REVISION [24 CFR 966.4(l)(2)(ii)(E)]**

The LACDA must terminate the Lease if the family fails to accept the LACDA's offer of a lease revision to an existing Lease, provided the LACDA has done the following:

- The revision is on a form adopted by the LACDA in accordance with 24 CFR 966.3 pertaining to requirements for notice to tenants and resident organizations and their opportunity to present comments.

- The LACDA has made written notice of the offer of the revision at least 60 calendar days before the lease revision is scheduled to take effect.
- The LACDA has specified in the offer a reasonable time limit within that period for acceptance by the family.

See Chapter 8 for information pertaining to LACDA policies for offering lease revisions.

### **13-II.F. METHAMPHETAMINE CONVICTION [24 CFR 966.4(l)(5)(i)(A)]**

The LACDA must immediately terminate the lease if the LACDA determines that any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally assisted housing.

See Part 13-III.B. below for the HUD definition of *premises*.

### **13-II.G. LIFETIME REGISTERED SEX OFFENDERS [Notice PIH 2012-28]**

Should the LACDA discover that a member of an assisted household was subject to a lifetime registration requirement at admission and was erroneously admitted after June 25, 2001, the LACDA must immediately terminate assistance for the household member.

In this situation, the LACDA must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the LACDA must terminate assistance for the household.

### **13-II.H. NONCOMPLIANCE WITH COMMUNITY SERVICE REQUIREMENTS [24 CFR 966.4(l)(2)(ii)(D), 24 CFR 960.603(b) and 24 CFR 960.607(b)(2)(ii) and (c)]**

The LACDA is prohibited from renewing the lease at the end of the 12-month lease term when the family fails to comply with the community service requirements as described in Chapter 11.

### **13-II.I. DEATH OF A SOLE FAMILY MEMBER [Notice PIH 2012-4]**

The LACDA must immediately terminate the lease following the death of the sole family member.

**13-IL.J. OVER-INCOME FAMILIES [24 CFR 960.507; FR Notice 7/26/18; Notice PIH 2023-03; FR Notice 2/14/23]**

In the public housing program, an *over-income family* is defined as a family whose income exceeds the over-income limit for 24 consecutive months. When this occurs, the LACDA will terminate the family's tenancy within six (6) months of the LACDA's final notification of the end of the 24-month grace period.

LACDA Policy

For families whose income exceeds the over-income limit (over 120 percent of the Area Median Income (AMI)) for 24 consecutive months, the LACDA will terminate the tenancy of the family no more than six (6) months after the final notification of the family's over-income status in accordance with the continued occupancy policies below. The over-income policy also affects families receiving EID and families participating in the Family Self-Sufficiency (FSS) Program.

**Over-Income Limit [Notice PIH 2023-03]**

The LACDA is required to publish over-income limits in the PHA Plan and/or update the ACOP accordingly. The over-income limit is calculated by multiplying the very low-income limit (VLI) by 2.4, as adjusted for family size.

LACA Policy

The LACDA will rely on HUDs annual updates and will comply with the applicable notification requirements to the applicant and resident families. The income limits will be posted on the LACDA's website at <https://www.lacda.org> and copies will be displayed at each of the management offices in a conspicuous area.

### **Decreases in Income [24 CFR 960.507(c)(4)]**

#### **LACDA Policy**

If, at any time during the consecutive 24-month period following the initial over-income determination, an over-income family experiences a decrease in income, the family may request an interim redetermination of rent in accordance with LACDA policy in Chapter 9.

If, as a result, the previously over-income family is now below the over-income limit, the family is no longer subject to over-income provisions as of the effective date of the recertification. The LACDA will notify the family in writing within 10 business days of the determination that over-income policies no longer apply to them.

If the PHALACDA later determines that the family's income exceeds the over-income limit at a subsequent annual or interim reexamination, the family is entitled to a new 24 consecutive month period and new notices under this section.

### **Initial Notice of Over-Income Status [24 CFR 960.507(c)(1); Notice PIH 2023-03]**

#### **LACDA Policy**

At annual or interim reexamination, if a family's income exceeds the applicable over-income limit, the LACDA will notify the family in writing no later than 30-days of the LACDA's determination date. The notice will state that if the family continues to be over-income for 24 consecutive months, the family will be subject to the LACDA's over-income policies. The notice will state that the family may request a hearing if the family disputes the LACDA's determination in accordance with LACDA policies in Chapter 14. The LACDA will ensure that all notices and communications are provided in a manner that is effective for persons with hearing, visual, and other impairments.

**Second Notice of Over-Income Status [24 CFR 960.507(c)(2); Notice PIH 2023-03; Notice PIH 2023-27]**

The LACDA must conduct an income examination 12 months after the initial over-income determination, even if the family is paying flat rent, unless the LACDA determined the family's income fell below the over-income limit since the initial over-income determination. This includes when the LACDA makes an initial determination that a family is over-income during an interim reexamination. In this case the LACDA must conduct a second interim reexamination 12 months after the over-income determination unless the family's income falls below the over-income limit during the 24-month period. See Chapter 9 for LACDA policies on interims for over-income families.

LACDA Policy

If a family's income continues to exceed the applicable over-income limit after 12 consecutive months, the LACDA will notify the family in writing no later than 30 days of the LACDA's determination date. The notice will state that if the family continues to be over-income for 24 consecutive months, the family will be subject to the LACDA's over-income policies. The notice will state that the family may request a hearing if the family disputes the LACDA's determination in accordance with LACDA policies in Chapter 14. The LACDA will ensure that all notices and communications are provided in a manner that is effective for persons with hearing, visual, and other impairments.

**Final Notice of Over-Income Status [24 CFR 960.507(c)(3) and 960.509; Notice PIH 2023-03; Notice PIH 2023-27]**

Unless the LACDA determined the family's income fell below the over-income limit since the second over-income determination, the LACDA must conduct an income examination 24 months after the initial over income determination, even if the family is paying flat rent. When a LACDA makes an initial determination that a family is over-income during an interim reexamination, the LACDA must conduct an interim reexamination 12 months after the over-income determination, and then again 12 months after the second over-income determination, unless the family's income falls below the over-income limit during the 24-month period.

**LACDA Policy**

For families whose income exceeds the over-income limit for 24 consecutive months, the LACDA will terminate the tenancy of the family no more than six (6) months after the final notification of the family's over-income status.

If a family's income continues to exceed the applicable over-income limit after 24 consecutive months, the LACDA will notify the family in writing no later than 30 days of the LACDA's determination date. The notice will state that the LACDA will terminate the tenancy of the family no more than six (6) months after the notification of the family's over-income status. The notice will state that the family may request a hearing if the family disputes the LACDA's determination in accordance with LACDA policies in Chapter 14. The LACDA will ensure that all notices and communications are provided in a manner that is effective for persons with hearing, visual, and other impairments.

During the period before termination, the over-income family will continue to be a Public Housing program participant until their tenancy is terminated. The LACDA will continue to charge the family rent in accordance with Public Housing regulations, will offer the family the choice between income-based and flat rent as required by the regulations, and will prorate rent for Mixed Families.

When an over-income family is facing termination after exceeding the grace period of six (6) months, the family may request an interim reexamination, but a decrease in income and the family's rent will not reset the period before termination or enable the family to avoid termination.

The LACDA will give appropriate notice of lease tenancy termination (notice to vacate) in accordance with state and local laws.

**Net Asset Limitation for Existing Families that Exceed \$100,000.**

LACDA Policy. The LACA will initiate eviction of families that net assets exceed \$100,000, no later than six (6) months after the effective date of an annual or interim reexamination in accordance with HUD for the following reasons:

- Net family assets that exceed \$100,000. This amount is subject to HUD's annual inflationary adjustment in accordance with the CPI; and/or

- The family has a present ownership interest in, a legal right to reside in, and the legal authority to sell the real property that is suitable for occupancy by the family as a residence.

As required by HUD, the LACDA will provide the affected families the opportunity to cure the asset limitations from the effective date of the annual or interim reexamination through the end of their six (6) month end period.



## **PART III: TERMINATION BY LACDA – OTHER AUTHORIZED REASONS**

### **13-III.A. OVERVIEW**

Besides requiring PHAs to terminate the lease under the circumstances described in Part II, HUD requires the LACDA to establish provisions in the Lease for termination pertaining to certain criminal activity, alcohol abuse, and certain household obligations stated in the regulations. While these provisions for lease termination must be in the lease agreement, HUD does not require PHAs to terminate for such violations in all cases. The LACDA has the discretion to consider circumstances surrounding the violation or, in applicable situations, whether the offending household member has entered or completed rehabilitation, and the LACDA may, as an alternative to termination, require the exclusion of the culpable household member. The LACDA must adopt policies concerning the use of these options.

In addition, HUD authorizes the LACDA to terminate the Lease for other grounds, but for only those grounds that constitute serious or repeated violations of material terms of the Lease or for other good cause. The LACDA must develop policies pertaining to what constitutes serious or repeated lease violations, and other good cause, based upon the content of the LACDA Lease. In the development of the terms of the Lease, the LACDA must consider the limitations imposed by State and local landlord-tenant law, as well as HUD regulations and Federal statutes. Because of variations in State and local landlord-tenant law, and because HUD affords the LACDA wide discretion in some areas, a broad range of policies could be acceptable.

The LACDA also has the option to terminate the tenancies of certain over-income families.

The LACDA may consider alternatives to termination and must establish policies describing the criteria the LACDA will use when deciding what action to take, the types of evidence that will be acceptable, and the steps the LACDA must take when terminating a family's Lease.

### **13-III.B. MANDATORY LEASE PROVISIONS [24 CFR 966.4(l)(5)]**

This section addresses provisions for lease termination that must be included in the lease agreement according to HUD regulations. Although the provisions are required, HUD does not require PHAs to terminate for such violations in all cases, therefore PHA policies are needed.

#### ***Definitions* [24 CFR 5.100]**

The following definitions will be used for this and other parts of this chapter:

*Affiliated individual* is defined in section 16-VII.B.

*Covered person* means a tenant, any member of the tenant's household, a guest, or another person under the tenant's control.

*Dating violence* is defined in section 16-VII.B.

*Domestic violence* is defined in section 16-VII.B.

*Drug* means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802].

*Drug-related criminal activity* means the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with the intent to manufacture, sell, distribute, or use the drug.

*Guest* means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

*Household* means the family and LACDA-approved live-in aide. The term household also includes foster children and/or foster adults that have been approved to reside in the unit [HUD-50058, Instruction Booklet, p. 65].

*Other person under the tenant's control* means that the person, although not staying as a guest in the unit, is, or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not *under the tenant's control*.

*Premises* means the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

*Sexual assault* is defined in section 16-VII.B.

*Stalking* is defined in section 16-VII.B.

*Violent criminal activity* means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

### **Drug Crime on or Off the Premises [24 CFR 966.4(l)(5)(i)(B)]**

The lease must provide that drug-related criminal activity engaged in on or off the premises by the tenant, member of the tenant's household or guest, or any such activity engaged in on the premises by any other person under the tenant's control is grounds for termination.

#### LACDA Policy

The LACDA will terminate the lease for drug-related criminal activity engaged in on or off the premises by any tenant, member of the tenant's household or guest, and any such activity engaged in on the premises by any other person under the tenant's control.

The illegal manufacture, sale, distribution, or use of, or possession with the intent to manufacture, sell, distribute, or use, a controlled substance constitutes a drug-related criminal activity. Residents on or off the housing development premises and having a controlled substance in his/her system are in violation of the lease. Committing any of the above acts is a material breach of the lease and may result in termination of tenancy on three (3) days' notice.

The cultivation, manufacture, distribution, sale, use and/or possession of marijuana with the intent to cultivate, manufacture, distribute, sell, and/or use of marijuana for recreational and/or medical reasons is also a violation of the LACDA's policies relating to drug-related criminal activity and constitutes "drug-related criminal activity" under Federal law. Committing any of the above acts is a material breach of the lease and may result in termination of tenancy on three (3) days' notice.

The LACDA will consider all credible evidence, including but not limited to, any record of arrests or convictions of covered persons related to the drug-related criminal activity.

A record or records of arrest will not be used as the sole basis for the termination or proof that the participant engaged in disqualifying criminal activity.

In making its decision to terminate the lease, the LACDA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, the LACDA may, on a case-by-case basis, choose not to terminate the lease.

### **Illegal Use of a Drug [24 CFR 966.4(l)(5)(i)(B)]**

The lease must provide that a LACDA may evict a family when the LACDA determines that a household member is illegally using a drug or that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

#### LACDA Policy

The LACDA will terminate the lease when the LACDA determines that a household member is illegally using a drug or the LACDA determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents. The LACDA will consider the use of a controlled substance or alcohol to be a "pattern" if there are three or more incidents in the previous 12-month period.

The illegal manufacture, sale, distribution, or use of, or possession with the intent to manufacture, sell, distribute, or use, a controlled substance constitutes a drug-related criminal activity. Residents on the housing development premises and having a controlled substance in his/her system are in violation of the lease. Committing of any of the above acts is a material breach of the lease and may result in termination of tenancy on three (3) days' notice.

The cultivation, manufacture, distribution, sale, use and/or possession of marijuana with the intent to cultivate, manufacture, distribute, sell, and/or use of marijuana for recreational and/or medical reasons is also a violation of the LACDA's policies relating to drug-related criminal activity and constitutes "drug-related criminal activity" under Federal law. Committing of any of the above acts is a material breach of the lease and may result in termination of tenancy on three (3) days' notice.

A pattern of illegal drug use means more than one incident of any use of illegal drugs during the previous three months.

The LACDA will consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the use of illegal drugs.

A record or records of arrest will not be used as the sole basis for the termination or proof that the participant engaged in disqualifying criminal activity.

In making its decision to terminate the lease, the LACDA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, the LACDA may, on a case-by-case basis, choose not to terminate the lease.

### **Threat to Other Residents [24 CFR 966.4(l)(5)(ii)(A)]**

The lease must provide that any criminal activity by a covered person that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including LACDA management staff residing on the premises) or by persons residing in the immediate vicinity of the premises is grounds for termination of tenancy.

#### LACDA Policy

The LACDA will terminate the lease when a covered person engages in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including LACDA management staff residing on the premises) or by persons residing in the immediate vicinity of the premises.

*Immediate vicinity* means within a three-block radius of the premises.

The LACDA will consider all credible evidence, including but not limited to, any record of arrests or convictions of covered persons related to the criminal activity.

A record or records of arrest will not be used as the sole basis for the termination or proof that the participant engaged in disqualifying criminal activity.

In making its decision to terminate the lease, the LACDA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, the LACDA may, on a case-by-case basis, choose not to terminate the lease.

### **Anti-Hate Crime**

#### LACDA Policy

In accordance with California Penal Code Section 422.6, the LACDA shall terminate the lease if any family member engage in a Hate Crime in violation of California Penal Code 422.6 which includes but is not limited to the use of force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in whole or in part because of that person's race or ethnicity, disability, gender, nationality, religion, sexual orientation or association with a person or group with one or more of these actual or perceived characteristics and knowingly deface, damage, or destroy the real or personal property of any other person for in whole or in part because of that person's race or ethnicity, disability, gender, nationality, religion, sexual orientation or association with a person or group with one or more of these actual or perceived characteristics.

### **Alcohol Abuse [24 CFR 966.4(l)(5)(vi)(A)]**

LACDAs must establish standards that allow termination of tenancy if the LACDA determines that a household member has engaged in abuse or pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

#### LACDA Policy

The LACDA will terminate the lease if the LACDA determines that a household member has engaged in abuse or a pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents. The LACDA will consider

the use of a controlled substance or alcohol to be a “pattern” if there are three or more incidents in the previous 12-month period.

The LACDA will consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the abuse of alcohol.

A record or records of arrest will not be used as the sole basis for the termination or proof that the participant engaged in disqualifying criminal activity.

In making its decision to terminate the lease, the LACDA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, the LACDA may, on a case-by-case basis, choose not to terminate the lease.

**Furnishing False or Misleading Information Concerning Illegal Drug Use or Alcohol Abuse or Rehabilitation [24 CFR 966.4(l)(5)(vi)(B)]**

LACDAs must establish standards that allow termination of tenancy if the LACDA determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

LACDA Policy

The LACDA will terminate the lease if the LACDA determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

The LACDA will consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the use of illegal drugs or the abuse of alcohol, and any records or other documentation (or lack of records or documentation) supporting claims of rehabilitation of illegal drug users or alcohol abusers.

In making its decision to terminate the lease, the LACDA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, the LACDA may, on a case-by-case basis, choose not to terminate the lease.

**Other Serious or Repeated Violations of Material Terms of the Lease – Mandatory Lease Provisions [24 CFR 966.4(l)(2)(i) and 24 CFR 966.4(f)]**

HUD regulations require certain tenant obligations to be incorporated into the lease. Violations of such regulatory obligations are considered to be serious or repeated violations of the lease and grounds for termination. Incidents of actual or threatened domestic violence, dating violence, sexual assault, stalking, or human trafficking may not be construed as serious or repeated violations of the lease by the victim or threatened victim [24 CFR 5.2005(c)(1)].

LACDA Policy

The Lease may be terminated at any time by the LACDA who shall give written notice for serious or repeated violation of the terms of the Lease, such as, but not limited to:

- Nonpayment of rent or other charges due under the Lease, or chronic late payment of rent (3 times in a 12-month period is considered chronic);
- Failure to provide timely and accurate statements of income, assets, expenses, and family composition at Admission, Interim, Special or Annual Rent Re-certifications;
- Assignment or subleasing of the premises or providing accommodation for boarders or lodgers;
- Use of the premises for purposes other than solely as a dwelling unit for the Resident and Resident's household as identified in this Lease, except as approved by the LACDA for a home-based occupation;
- Failure to abide by reasonable rules made by the LACDA for the benefit and well-being of the housing development and the Residents;
- Failure to abide by applicable building and housing codes materially affecting health or safety;
- Failure to dispose of garbage waste and rubbish in a safe and sanitary manner;
- Failure to use electrical, plumbing, sanitary, heating, ventilating, air conditioning and other equipment, including elevators, in a safe manner;
- Acts of destruction, defacement, or removal of any part of the premises, or failure to cause guests to refrain from such acts;
- Failure to pay reasonable charges (other than for normal wear and tear) for the repair of damages to the premises, development buildings, facilities, equipment, or common areas;
- Sex offender lifetime registrants; or
- Being subject to sex offender lifetime registration under a State sex offender registration program will be grounds for eviction.

In making its decision to terminate the lease, the LACDA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and

13-III.F. Upon consideration of such alternatives and factors, the LACDA may, on a case-by-case basis, choose not to terminate the lease.

### **13-III.C. OTHER AUTHORIZED REASONS FOR TERMINATION [24 CFR 966.4(l)(2) and (5)(ii)(B)]**

HUD authorizes the LACDA to terminate the lease for reasons other than those described in the previous sections. These reasons are referred to as “other good cause.”

#### **Other Good Cause [24 CFR 966.4(l)(2)(ii)(B) and (C)]**

HUD regulations state that the LACDA may terminate tenancy for other good cause. The regulations provide a few examples of other good cause, but do not limit the LACDA to only those examples. The Violence against Women Act prohibits PHAs from considering incidents of actual or threatened domestic violence, dating violence, sexual assault, stalking, or human trafficking as “other good cause” for terminating the assistance, tenancy, or occupancy rights of the victim or threatened victim of such violence [see 24 CFR 5.2005(c)(1)].

#### LACDA Policy

The LACDA will terminate the lease for the following reasons.

*Persons subject to sex offender registration requirement.* If any member of the household has, during their current public housing tenancy, become subject to a registration requirement under a state sex offender registration program.

Discovery of facts after admission to the program that would have made the tenant ineligible

Discovery of material false statements or fraud by the tenant in connection with an application for assistance or with a reexamination of income

Failure to furnish such information and certifications regarding family composition and income as may be necessary for the LACDA to make determinations with respect to rent, eligibility, and the appropriateness of the dwelling unit size

Failure to transfer to an appropriate size dwelling unit based on family composition, upon appropriate notice by the LACDA that such a dwelling unit is available

Failure to permit access to the unit by the LACDA after proper advance notification for the purpose of performing routine inspections and maintenance, for making improvements or repairs, or to show the dwelling unit for re-leasing, or without advance notice if there is reasonable cause to believe that an emergency exists

Failure to promptly inform the LACDA of the birth, adoption, or court-awarded custody of a child. In such a case, promptly means within 10 business days of the event.

Failure to abide by the provisions of the LACDA pet policy

If the family has breached the terms of a repayment agreement entered into with the LACDA

If a family member has violated federal, state, or local law that imposes obligations in connection with the occupancy or use of the premises.

If a household member has engaged in or threatened violent or abusive behavior toward LACDA personnel.

*Abusive or violent behavior towards LACDA personnel* includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

*Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to terminate the lease, the LACDA will consider alternatives as described in Section 13-III.D and other factors described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, the LACDA may, on a case-by-case basis, choose not to terminate the lease.

#### ***Family Absence from Unit [24 CFR 982.551(i)]***

It is reasonable that the family may be absent from the Public Housing unit for brief periods. However, the LACDA needs a policy on how long the family may be absent from the unit. Absence in this context means that no member of the family is residing in the unit.

#### **LACDA Policy**

The family must supply any information or certification requested by the LACDA to verify that the family is living in the unit, or relating to family absence from the unit, including any LACDA-requested information or certification on the purposes of family absences. The family must cooperate with the LACDA for this purpose.

The family must promptly notify the LACDA when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 30 calendar days. In such a case promptly means within 10 business days of the start of the extended absence.

If a family is absent from the public housing unit for more than 30 consecutive days, and the family does not adequately verify that they are living in the unit, the LACDA will terminate the lease for other good cause.

*Abandonment of the unit.* If the family appears to have vacated the unit without giving proper notice, the LACDA will follow State and local landlord-tenant law pertaining to abandonment before taking possession of the unit. If necessary, the LACDA will secure the unit immediately to prevent vandalism and other criminal activity.

#### **Right to Reclaim Abandoned Property California Civil Code § 1984, 1985 and 1988**

If the LACDA discovers personal property remains on the premises after a tenancy has terminated and the premises have been vacated by the tenant or the premises have been abandoned, the LACDA shall give written notice to the tenant and to any other person the LACDA reasonably believes to be the owner of the property. The notice will notify the tenant of the location where to claim the property and the date when the claim must be made. The tenant must claim the property within 15 calendar days after the notice is personally delivered or, if mailed, within 18 calendar days after the notice is deposited in the mail.

If the LACDA reasonably believes that the total resale value of the abandoned personal property is less than seven hundred dollars (\$700), the LACDA may retain the property

for his or her own use or dispose of it in any manner. If the abandoned personal property is reasonably believed to be equal to or more than \$700, the LACDA will advertise a public sale of the abandoned property. The LACDA will submit a publication in a newspaper once a week for two successive weeks. The period of notice commences upon the first day of publication and terminates at the end of the fourteenth day. The publication will provide the time and place of the public sale and will describe the property to be sold in a manner reasonably adequate to permit the owner of the property to identify it.

Any balance of the proceeds of the sale, after deducting costs of storage, advertising, and sale, will be paid to the LA County Treasury no later than 30 days after the date of sale. The former tenant or other owner may claim the balance within one year from the date of payment to the county by making application to the county treasurer or other official designated by the county

### **13-III.D. ALTERNATIVES TO TERMINATION OF TENANCY**

#### **Exclusion of Culpable Household Member [24 CFR 966.4(l)(5)(vii)(C)]**

As an alternative to termination of the Lease for criminal activity or alcohol abuse HUD provides that the LACDA may consider exclusion of the culpable household member. Such an alternative can be used for any other reason where such a solution appears viable in accordance with LACDA policy.

Additionally, under the Violence against Women Act, the LACDA may bifurcate a lease in order to terminate the tenancy of an individual who is a tenant or lawful occupant of a unit and engages in criminal activity directly related to domestic violence, dating violence, sexual assault, stalking, or human trafficking.

##### LACDA Policy

The LACDA will consider requiring the tenant to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants termination.

As a condition of the family's continued occupancy, the head of household must certify that the culpable household member has vacated the unit and will not be permitted to visit or to stay as a guest in the assisted unit. The family must present evidence of the former household member's current address upon LACDA request. The LACDA will consider the following as evidence that the person is no longer in the household, divorce decree, incarceration verification, death certificate, copy of a new lease for the person including the owner's telephone number and address, or other substantiating documentation.

#### **Repayment of Family Debts**

##### LACDA Policy

If a family owes amounts to the LACDA, as a condition of continued occupancy, the LACDA will require the family to repay in accordance with the Tenant Payment Agreement (TPA), or court order until the full amount is paid. owed. See Chapter 16 for policies on repayment agreements.

### **13-III.E. CRITERIA FOR DECIDING TO TERMINATE TENANCY**

A LACDA that has grounds to terminate a tenancy is not required to do so, except as explained in Part II of this chapter, and may consider all of the circumstances relevant to a particular case before making a decision.

#### **Evidence [24 CFR 982.553(c)]**

For criminal activity, HUD permits the LACDA to terminate the lease if a *preponderance of the evidence* indicates that a household member has engaged in the activity, regardless of whether the household member has been arrested or convicted, and without satisfying the standard of proof used for a criminal conviction.

#### LACDA Policy

The LACDA will use the preponderance of the evidence as the standard for making all termination decisions.

*Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

### **Consideration of Circumstances [24 CFR 966.4(l)(5)(vii)(B)]**

Although it is required that certain lease provisions exist for criminal activity and alcohol abuse, HUD provides that the LACDA may consider all circumstances relevant to a particular case in order to determine whether or not to terminate the lease.

Such relevant circumstances can also be considered when terminating the lease for any other reason.

#### LACDA Policy

The LACDA will give fair consideration to the following facts and circumstances before deciding whether to terminate the lease for any of the HUD required lease provisions or for any other reasons:

- The seriousness of the offending action, especially with respect to how it would affect other residents' safety or property and/or likelihood of favorable conduct in the future.

- While a record or records of arrest will not be used as the sole basis for termination, an arrest may, however, trigger an investigation to determine whether the participant actually engaged in disqualifying criminal activity. As part of its investigation, the LACDA may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. The LACDA may also consider:

- Any statements made by witnesses or the participant not included in the police report

- Whether criminal charges were filed

- Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal

- Any other evidence relevant to determining whether or not the participant engaged in disqualifying activity

- Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property.

- In the case of program abuse, the dollar amount of the underpaid rent and whether or not a false certification was signed by the family.

### **Consideration of Rehabilitation [24 CFR 966.4(l)(5)(vii)(D)]**

HUD authorizes LACDAs to take into consideration whether a household member who had used illegal drugs or abused alcohol and is no longer engaging in such use or abuse is participating in or has successfully completed a supervised drug or alcohol rehabilitation program.

#### LACDA Policy

In determining whether to terminate the lease for illegal drug use or a pattern of illegal drug use, or for abuse or a pattern of abuse of alcohol, by a household member who is no longer engaging in such use or abuse, the LACDA will consider whether such household member has successfully completed a supervised drug or alcohol rehabilitation program, and is willing to continue in a supportive program approved by the LACDA

For this purpose, the LACDA will require the tenant to submit evidence of the household member's successful completion of a supervised drug or alcohol rehabilitation program.

### **Reasonable Accommodation [24 CFR 966.7]**

If the family includes a person with disabilities, the LACDA's decision to terminate the family's lease is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

#### LACDA Policy

If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of lease, the LACDA will determine whether the behavior is related to the disability. If so, upon the family's request, the LACDA will determine whether alternative measures are appropriate as a reasonable accommodation. The LACDA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed lease termination. See Chapter 2 for a discussion of reasonable accommodation.

### **Nondiscrimination Limitation [24 CFR 966.4(l)(5)(vii)(F)]**

The LACDA's eviction actions must be consistent with fair housing and equal opportunity provisions of 24 CFR 5.105.

### **13-III.F. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, OR HUMAN TRAFFICKING**

This section addresses the protections against termination of tenancy that the Violence against Women Act (VAWA) provides for public housing residents who are victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking. For general VAWA requirements and LACDA policies pertaining to notification, documentation, and confidentiality, see section 16-VII of this ACOP, where definitions of key VAWA terms are also located.

#### **VAWA Protections against Termination [24 CFR 5.2005(c)]**

VAWA provides that no person may deny assistance, tenancy, or occupancy rights to public housing to a tenant on the basis or as a direct result of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking that is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant, if the tenant or affiliated individual is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking [FR Notice 8/6/13].

VAWA further provides that incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking may not be construed either as serious or repeated violations of the lease by the victim or threatened victim of such violence or as good cause for terminating the tenancy or occupancy rights of the victim of such violence [24 CFR 5.2005(c)(1), FR Notice 8/6/13]

- Although the VAWA 2022 statute does not specifically include human trafficking in the list of victims protected under VAWA, in 2022 HUD began including human trafficking as part of the list of victims protected under VAWA (as seen in Notices PIH 2022-06, PIH 2022-22, and PIH 2022-24). In the absence of a final rule implementing VAWA 2022 and to mirror HUD's recent usage, this policy includes human trafficking in addition to domestic violence, dating violence, sexual assault, and stalking anywhere such a list appears.

PHAs and owners may not coerce, intimidate, threaten, interfere with, or retaliate against any person who exercises or assists or encourages a person to exercise any rights or protections under VAWA [FR Notice 1/4/23].

### **Limits on VAWA Protections [24 CFR 5.2005(d) and (e), FR Notice 8/6/13]**

While VAWA prohibits a PHA from using domestic violence, dating violence, sexual assault, stalking, or human trafficking as the cause for a termination or eviction action against a public housing tenant who is the victim of the abuse, the protections it provides are not absolute. Specifically:

- VAWA does not limit a PHA's otherwise available authority to terminate assistance to or evict a victim for lease violations not premised on an act of domestic violence, dating violence, sexual assault, stalking, or human trafficking providing that the PHA does not subject the victim to a more demanding standard than the standard to which it holds other tenants.
- VAWA does not limit a PHA's authority to terminate the tenancy of any public housing tenant if the PHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's tenancy is not terminated.

HUD regulations define *actual and imminent threat* to mean words, gestures, actions, or other indicators of a physical threat that (a) is real, (b) would occur within an immediate time frame, and (c) could result in death or serious bodily harm [24 CFR 5.2005(d)(2) and (e)]. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include:

- The duration of the risk
- The nature and severity of the potential harm
- The likelihood that the potential harm will occur
- The length of time before the potential harm would occur [24 CFR 5.2005(e)]

In order to demonstrate an actual and imminent threat, the LACDA must have objective evidence of words, gestures, actions, or other indicators. Even when a victim poses an actual and imminent threat, however, HUD regulations authorize the LACDA to terminate the victim's assistance "only when there are no other actions that could be taken to reduce or eliminate the threat, including but not limited to transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence or develop other plans to keep the property safe, or seeking other legal remedies to prevent the perpetrator from acting on a threat" [24 CFR 5.2005(d)(3)]. Additionally, HUD regulations state that restrictions "predicated on public safety cannot be based on stereotypes, but must be tailored to particularized concerns about individual residents" [24 CFR 5.2005(d)(3)].

LACDA Policy

In determining whether a public housing tenant who is a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking is an actual and imminent threat to other tenants or those employed at or providing service to a property, the LACDA will consider the following, and any other relevant, factors:

Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking;

Whether the threat is a physical danger beyond a speculative threat;

Whether the threat is likely to happen within an immediate time frame; or,

Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location, transferring the victim to another unit, or seeking a legal remedy to prevent the perpetrator from acting on the threat. If the tenant wishes to contest the LACDA's determination that they are an actual and imminent threat to other tenants or employees, the tenant may do so as part of the grievance hearing or in a court proceeding.

**Documentation of Abuse [24 CFR 5.2007]**

LACDA Policy

When an individual facing termination of tenancy for reasons related to domestic violence, dating violence, sexual assault, stalking, or human trafficking claims protection under VAWA, the LACDA will request in writing that the individual provide documentation supporting the claim in accordance with the policies in section 16-VII.D of this ACOP.

The LACDA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice. In such cases the LACDA will document the waiver in the individual's file.

## **Terminating or Evicting a Perpetrator of Domestic Violence**

Although VAWA provides protection from termination for victims of domestic violence, it does not provide such protection for perpetrators. In fact, VAWA gives the LACDA the explicit authority to bifurcate a lease, or remove a household member from a lease, “in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant of the housing and who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual, without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant of the housing” [FR Notice 8/6/13]. Moreover, HUD regulations impose on the LACDA the obligation to consider lease bifurcation in any circumstances involving domestic violence, dating violence, stalking, or human trafficking [see 24 CFR 966.4(e)(9)].

Specific lease language affirming the LACDA’s authority to bifurcate a lease is not necessary, and the authority supersedes any local, state, or federal law to the contrary. However, if the LACDA chooses to exercise its authority to bifurcate a lease, it must follow any procedures prescribed by HUD or by applicable local, state, or federal law for eviction, lease termination, or termination of assistance. This means that the LACDA must follow the same rules when terminating or evicting an individual as it would when terminating or evicting an entire family [FR Notice 3/16/07]. However, perpetrators should be given no more than 30 days’ notice of termination in most cases [Notice PIH 2017-08].

### LACDA Policy

The LACDA will bifurcate a family’s lease and terminate the tenancy of a family member if the LACDA determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the tenancy or program assistance of the remaining, nonculpable family members.

In making its decision, the LACDA will consider all credible evidence, including, but not limited to, a signed certification (form HUD-5382) or other documentation of abuse submitted to the LACDA by the victim in accordance with this section and section 16-VII.D. The LACDA will also consider the factors in section 13.III.E. Upon such consideration, the LACDA may, on a case-by-case basis, choose not to bifurcate the lease and terminate the tenancy of the culpable family member.

If the LACDA does bifurcate the lease and terminate the tenancy of the culpable family member, it will do so in accordance with the lease, applicable law, and the policies in this ACOP. If the person removed from the lease was the only tenant eligible to receive assistance, the LACDA must provide any remaining tenant a chance to establish eligibility for the unit. If the remaining tenant cannot do so, the LACDA must provide the tenant reasonable time to find new housing or to establish eligibility for another housing program covered under VAWA.

### **13-III.G. TERMINATION RELATED TO NON-SMOKING POLICY**

The LACDA strictly prohibits smoking on all our properties except at the South Bay Gardens senior housing development located at 230 E. 130th Street, Los Angeles CA 90061. The term “smoking” means inhaling, exhaling, breathing, or carrying or possessing any lighted cigarette, cigar, pipe, hookah or other prohibited tobacco, marijuana, or similar lighted product in any manner or in any form. Additionally, “smoking” also includes but is not limited to the use of an electronic cigarette (e-cig or e-cigarette), a personal vaporizer (PV) or an electronic nicotine delivery system (ENDS).

#### LACDA Policy

The LACDA may terminate the Lease for a material or continuing breach of the Public Housing Non-Smoking Lease Addendum. Additionally, Residents are financially responsible for the mitigation of any damages caused by smoking in their unit or caused by smoking in non-smoking areas on the LACDA’s premises. Residents shall pay for these damages as set forth in the Lease as “Other Charges”. Costs may include but are not limited to cleaning, sealing, painting, deodorizing, duct cleaning, and possible replacement of fixtures and various surface materials.

In making its decision to terminate the lease, the LACDA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, the LACDA may, on a case-by-case basis, choose not to terminate the lease.

## **PART IV: NOTIFICATION REQUIREMENTS, EVICTION PROCEDURES AND RECORD KEEPING**

### **13-IV.A. OVERVIEW**

HUD regulations specify the requirements for the notice that must be provided prior to lease termination. This part discusses those requirements and the specific requirements that precede and follow termination for certain criminal activities which are addressed in the regulations. This part also discusses specific requirements pertaining to the actual eviction of families and record keeping.

### **13-IV.B. LEASE TERMINATION NOTICE [24 CFR 966.4(l)(3); Notice PIH 2021-29]**

#### **Form, Delivery, and Content of the Notice**

Notices of lease termination must be in writing. The notice must state the specific grounds for termination, the date the termination will take place, the resident's right to reply to the termination notice, and their right to examine LACDA documents directly relevant to the termination or eviction. If the LACDA does not make the documents available for examination upon request by the tenant, the LACDA may not proceed with the eviction [24 CFR 996.4(m)].

#### LACDA Policy

If the LACDA offers remote hearings, the notice will also state that the resident may request a remote hearing.

If the LACDA will require that the hearing be conducted remotely, at the time the notice is sent to the resident informing them of the right to request a hearing, the resident will be notified that the hearing will be conducted remotely. The resident will be informed of the processes involved in a remote hearing and that the LACDA will provide technical assistance, if needed, before the hearing.

Further, during the period of time for which HUD determines that a national emergency requires additional time for families to secure funding, all termination notifications for nonpayment of rent must include, at a minimum, the language provided in the Appendix of Notice PIH 2021-29.

When the LACDA is required to offer the resident an opportunity for a grievance hearing, the notice must also inform the resident of their right to request a hearing in accordance with the LACDA's grievance procedure. In these cases, the tenancy shall not terminate until the time for the tenant to request a grievance hearing has expired and the grievance procedure has been completed.

When the LACDA is not required to offer the resident an opportunity for a grievance hearing because HUD has made a due process determination and the lease termination is for criminal activity that threatens health, safety or right to peaceful enjoyment or for drug-related criminal activity, the notice of lease termination must state that the tenant is not entitled to a grievance hearing on the termination. It must specify the judicial eviction procedure to be used by the LACDA for eviction of the tenant, and state that HUD has determined that the eviction procedure provides the opportunity for a hearing in court that contains the basic elements of due process as defined in HUD regulations. The notice must also state whether the eviction is for a criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the LACDA, or for a drug-related criminal activity on or off the premises.

### LACDA Policy

The LACDA will provide the lease termination in writing and deliver it to the resident or adult member of the household or posted on the unit; and in all cases sent by first class mail addressed to the resident at the unit.

All notices of lease termination will include a copy of the forms HUD-5382 and HUD-5380 to accompany the termination notice. Any tenant who claims that the cause for termination involves domestic violence, dating violence, sexual assault, stalking, or human trafficking of which the tenant or affiliated individual of the tenant is the victim will be given the opportunity to provide documentation in accordance with the policies in sections 13-III.F and 16-VII.D.

### **Timing of the Notice [24 CFR 966.4(l)(3)(i); 24 CFR 966.8; Notice PIH 2021-29]**

The LACDA must give written notice of lease termination of:

- During the period of time for which HUD determines that a national emergency requires additional time for families to secure federal funding that is available due to a Presidential declaration of a national emergency, at least 30 days from the date the tenant receives the notice in the case of failure to pay rent.
- When such emergency is not present, 14 calendar days in the case of failure to pay rent.
- A reasonable period of time considering the seriousness of the situation (but not to exceed 30 calendar days).

If the health or safety of other residents, LACDA employees, or persons residing in the immediate vicinity of the premises is threatened.

If any member of the household has engaged in any drug-related criminal activity or violent criminal activity.

If any member of the household has been convicted of a felony.

- 30 calendar days in any other case, except that if a state or local law allows a shorter notice period, such shorter period shall apply.

### LACDA Policy

The LACDA will give written notice of 30 calendar days from the date the tenant receives the notice for nonpayment of rent (during nationwide emergency orders) or 14 calendar days from the date the tenant receives the notice for nonpayment of rent (upon expiration of nationwide emergency orders). For all other lease terminations, the LACDA will give 30 calendar days written notice or, if State or local law allows less than 30 calendar days, such shorter notice will be given.

The Notice to Vacate that may be required under State or local law may be combined with or run concurrently with the notice of lease termination.

### LACDA Policy

Any Notice to Vacate or Notice to Quit that is required by State or local law and will be run currently with the Notice of Lease Termination under this section.

**Notice of Nonrenewal Due to Community Service Noncompliance [24 CFR 966.4(l)(2)(ii)(D), 24 CFR 960.603(b) and 24 CFR 960.607(b)]**

When the LACDA finds that a family is in noncompliance with the community service requirement, the tenant and any other noncompliant resident must be notified in writing of this determination. Notices of noncompliance will be issued in accordance with the requirements and policies in Section 11-I.E.

**LACDA Policy**

If after receiving a notice of initial noncompliance the family does not request a grievance hearing or does not take either corrective action required by the notice within the required timeframe, a termination notice will be issued in accordance with the policies above.

If a family agreed to cure initial noncompliance by signing an agreement and is still in noncompliance after being provided the 12-month opportunity to cure, the family will be issued a notice of continued noncompliance. The notice of continued noncompliance will be sent in accordance with the policies in Section 11-I.E., and will also serve as the notice of termination of tenancy.

**Notice of Termination Based on Citizenship Status [24 CFR 5.514 (c) and (d)]**

In cases where termination of tenancy is based on citizenship status, HUD requires the notice of termination to contain additional information. In addition to advising the family of the reasons their assistance is being terminated, the notice must also advise the family of any of the following that apply: the family's eligibility for proration of assistance, the criteria and procedures for obtaining relief under the provisions for preservation of families, the family's right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal, and the family's right to request an informal hearing with the LACDA either upon completion of the USCIS appeal or in lieu of the USCIS appeal. Please see Chapter 14 for the LACDA's informal hearing procedures.

### **13-IV.C. EVICTION [24 CFR 966.4(l)(4) and 966.4(m)]**

Eviction notice means a notice to vacate, or a complaint or other initial pleading used under State or local law to commence an eviction action. The LACDA may only evict the tenant from the unit by instituting a court action, unless the law of the jurisdiction permits eviction by administrative action, after a due process administrative hearing, and without a court determination of the rights and liabilities of the parties.

#### **LACDA Policy**

When a family does not vacate the unit after receipt of a termination notice, by the deadline given in the notice, the LACDA will follow State and local landlord-tenant law in filing an eviction action with the local court that has jurisdiction in such cases.

If the eviction action is finalized in court and the family remains in occupancy beyond the deadline to vacate given by the court, the LACDA will seek the assistance of the court to remove the family from the premises as per State and local law.

The LACDA may not proceed with an eviction action if the LACDA has not made available the documents to be used in the case against the family and has not afforded the family the opportunity to examine and copy such documents in accordance with the provisions of 24 CFR 966.4(l)(3) and (m).

### **13-IV.D. NOTIFICATION TO POST OFFICE [24CFR 966.4(l)(5)(iii)(B)]**

Following the eviction for drug-related criminal activity, the LACDA will write “No Longer at This Address” or “Return to Sender” on each piece of mail for all former residents and return to the postal carrier or local Post Office.

### **13-IV.E. RECORD KEEPING**

For more information concerning general record keeping, see Chapter 16.

#### **LACDA Policy**

A written record of every termination and/or eviction will be maintained by the LACDA at the development where the family was residing, and will contain the following information:

Name of resident, number, and identification of unit occupied

Date of the notice of lease termination and any other notices required by state or local law; these notices may be on the same form and will run concurrently

Specific reason(s) for the notices, citing the lease section or provision that was violated, and other facts pertinent to the issuing of the notices described in detail (other than any criminal history reports obtained solely through the authorization provided in 24 CFR 5.903 and 5.905)

Date and method of notifying the resident

Summaries of any conferences held with the resident including dates, names of conference participants, and conclusions.

## **Chapter 14**

### **GRIEVANCES AND APPEALS**

#### **INTRODUCTION**

This chapter discusses grievances and appeals pertaining to LACDA actions or failures to act that adversely affect public housing applicants or residents. The policies are discussed in the following three parts:

Part I: Informal Hearings for Public Housing Applicants. This part outlines the requirements and procedures for informal hearings for public housing applicants.

Part II: Informal Hearings with Regard to Noncitizens. This part discusses informal hearings regarding citizenship status and where they differ from the requirements for general applicant and tenant grievances.

Part III: Grievance Procedures for Public Housing Residents. This part outlines the requirements and procedures for handling grievances for public housing residents.

Note that this chapter is not the LACDA's grievance procedure. The grievance procedure is a document separate from the ACOP. This chapter of the ACOP provides the policies that drive the grievance procedure.

#### **PART I: INFORMAL HEARINGS FOR PUBLIC HOUSING APPLICANTS**

##### **14-I.A. OVERVIEW**

When the LACDA makes a decision that has a negative impact on an applicant family, the family is often entitled to appeal the decision. For applicants, the appeal takes the form of an informal hearing. HUD regulations do not provide a structure for or requirements regarding informal hearings for applicants (except with regard to citizenship status, to be covered in Part II). This part discusses the LACDA policies necessary to respond to applicant appeals through the informal hearing process.

#### **14-I.B. INFORMAL HEARING PROCESS [24 CFR 960.208(a) and PH Occ GB, p. 58]**

Informal hearings are provided for public housing applicants. An applicant is someone who has applied for admission to the public housing program but is not yet a tenant in the program. Informal hearings are intended to provide a means for an applicant to dispute a determination of ineligibility for admission to a project [24 CFR 960.208(a)]. Applicants to public housing are not entitled to the same hearing process afforded tenants under the LACDA grievance procedures [24 CFR 966.53(a) and PH Occ GB, p. 58].

Informal hearings provide applicants the opportunity to review the reasons for denial of admission and to present evidence to refute the grounds for denial.

##### **Use of Informal Hearing Process**

While the LACDA must offer the opportunity of an informal hearing to applicants who have been determined as ineligible for admission, the LACDA could make the informal hearing process available to applicants who wish to dispute other LACDA actions that adversely affect them.

##### LACDA Policy

The PHA will only offer informal hearings to applicants for the purpose of disputing denials of admission. The Public Housing resident's grievance procedure is not applicable to applicants, and applicants have no rights under the LACDA's resident grievance procedures.

##### **Notice of Denial [24 CFR 960.208(a)]**

The LACDA must give an applicant prompt notice of a decision denying eligibility for admission. The notice must contain a brief statement of the reasons for the LACDA decision and must also state that the applicant may request an informal hearing to dispute the decision. The notice must describe how to obtain the informal hearing.

##### LACDA Policy

Applicants who are determined ineligible because they do not meet the LACDA's admission standards, will be given prompt written notification stating reason for the determination and the procedure for requesting an informal hearing.

When denying eligibility for admission, the LACDA must provide the family a notice of VAWA rights (form HUD-5380) as well as the HUD VAWA self-certification form (form HUD-5382) in accordance with the Violence against Women Act, and as outlined in 16-VII.C. The notice and self-certification form must accompany the written notification of the denial of eligibility determination.

Prior to notification of denial based on information obtained from criminal or sex offender registration records, the family, in some cases, must be given the opportunity to dispute the information in those records which would be the basis of the denial. See Section 3-III.G for details concerning this requirement.

## **Scheduling an Informal Hearing**

### LACDA Policy

Applicants must submit their request for an informal hearing in writing to the LACDA within ten (10) calendar days from the date of the notification of their ineligibility or denial.

Except for good cause as determined by the LACDA, such as but not limited to hospitalization, illness, or injury, if an applicant requests an informal hearing, the LACDA will schedule the hearing to be held within ten (10) calendar days of receiving the request. The LACDA will notify the applicant of the time, date, and location.

## **Conducting an Informal Hearing [PH Occ GB, p. 58]**

### LACDA Policy

An impartial hearing officer will conduct informal hearings. The person who is designated as the hearing officer cannot be the person who made the determination of ineligibility or a subordinate of such person.

The hearing officer will consider documentation or evidence provided by the applicant and data compiled by the LACDA. The hearing officer will make a determination based upon the merits of the evidence presented by both sides. Within ten (10) calendar days of the date of the hearing, the hearing officer will mail a written decision to the applicant and place a copy of the decision in the applicant's file.

### **Remote Informal Hearings [Notice PIH 2020-32]**

There is no requirement that informal hearings be conducted in-person, and as such, HUD allows LACDA to conduct all or a portion of their informal hearings remotely either over the phone, via video conferencing, or through other virtual platforms. If the LACDA chooses to conduct remote informal hearings, applicants may still request an in-person informal hearing, as applicable.

#### **LACDA Policy**

The LACDA has the sole discretion to require that informal hearings be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster.

In addition, the LACDA will conduct an informal hearing remotely upon request of the applicant as a reasonable accommodation for a person with a disability, if an applicant does not have childcare or transportation that would enable them to attend the informal hearing, or if the applicant believes an in-person informal hearing would create an undue health risk. The LACDA will consider other reasonable requests for a remote informal hearing on a case-by-case basis.

### **Ensuring Accessibility for Persons with Disabilities and LEP Individuals**

As with in-person informal hearings, the platform for conducting remote informal hearings must be accessible to persons with disabilities and the informal hearing must be conducted in accordance with Section 504 and accessibility requirements. This includes ensuring any information, websites, emails, digital notifications, and other virtual platforms are accessible for persons with vision, hearing, and other disabilities. Further, providing effective communication in a digital context may require the use of individualized auxiliary aids or services, such as audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts. Auxiliary aids or services must be provided in accessible formats, in a timely manner, and in such a way to protect the privacy and independence of the individual. LACDAs may never request or require that individuals with disabilities provide their own auxiliary aids or services, including for remote informal hearings.

If no method of conducting a remote informal hearing is available that appropriately accommodates an individual's disability, the LACDA may not hold against the individual their inability to participate in the remote informal review, and the LACDA should consider whether postponing the remote informal hearing to a later date is appropriate or whether there is a suitable alternative.

Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation, will depend on the specific circumstances and requirements.

As with in-person hearings, Limited English Proficiency (LEP) requirements also apply to remote informal hearings, including the use of interpretation services and document translation. See Chapter 2 for a more thorough discussion of accessibility and LEP requirements, all of which apply in the context of remote informal hearings.

### **Conducting Remote Informal Hearings [Notice PIH 2020-32]**

The LACDA must ensure that the lack of technology or inability to use technology for remote informal hearings does not pose a disadvantage to families that may not be apparent to the LACDA. The LACDA should determine through a survey or other means if these barriers exist prior to conducting the remote informal hearing and, if the family does not have the proper technology to fully participate, either postpone the informal hearing or provide an alternative means of access.

As with in-person informal hearings, the LACDA must provide all materials presented, whether paper or electronic, to the family prior to the remote informal hearing. The family must also be provided with an accessible means by which to transmit their own evidence.

The LACDA must ensure that the applicant has the right to hear and be heard. All LACDA policies and processes for remote informal hearings will be conducted in accordance with due process requirements and will be in compliance with HUD regulations at 24 CFR 966.56 and the guidance for conducting remote hearings specified in Notice PIH 2020-32.

#### LACDA Policy

The LACDA may will conduct remote informal hearings via a video conferencing platform, when necessary/available. If, after attempting to resolve any barriers, applicants are unable to adequately access the video conferencing platform at any point, or upon applicant request, the informal hearing will be conducted by telephone conferencing call-in. If the family is unable to adequately access the telephone conferencing call-in at any point, the remote informal hearing will be postponed, and an in-person alternative will be provided promptly within a reasonable time.

At least five business days prior to scheduling the remote hearing, the LACDA will provide the family with login information and/or conferencing call-in information and an electronic copy of all materials being presented via first class mail and/or email. The notice will advise the family of technological requirements for the hearing and request the family notify the LACDA of any known barriers. The LACDA will resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32, including offering the family the opportunity to attend an in-person hearing.

If the informal hearing is to be conducted remotely, the LACDA will require the family to provide any documents directly relevant to the informal hearing no later than 24 hours before the scheduled hearing through the mail or via email. The LACDA will scan and email copies of these documents to the LACDA representative (or the person) conducting the informal hearing the same day of receipt of the documents.

Documents will be shared electronically whenever possible through means of a secured site (i.e., Work Space, zip file, etc.).

The LACDA will follow up the email with a phone call and/or email to the applicant at least one business day prior to the remote informal hearing to ensure that the applicant received all information and is comfortable accessing the video conferencing or call-in platform.

The LACDA will ensure that all electronic information stored or transmitted with respect to the informal hearing is secure, including protecting personally identifiable information (PII), and meets the requirements for accessibility for persons with disabilities and persons with LEP.

## **Informal Hearing Decision [PH Occ GB, p. 58]**

### LACDA Policy

The LACDA will notify the applicant of the LACDA's final decision, including a brief statement of the reasons for the final decision.

In rendering a decision, the LACDA will evaluate the following matters:

Whether or not the grounds for denial were stated factually in the notice

The validity of grounds for denial of admission. If the grounds for denial are not specified in the regulations or in LACDA policy, then the decision to deny assistance will be overturned. See Chapter 3 for a detailed discussion of the grounds for applicant denial.

The validity of the evidence. The LACDA will evaluate whether the facts presented prove the grounds for denial of admission. If the facts prove that there are grounds for denial, and the denial is required by HUD, the LACDA will uphold the decision to deny admission.

If the facts prove the grounds for denial, and the denial is discretionary, the LACDA will consider the recommendation of the person conducting the informal hearing in making the final decision whether to deny admission.

The LACDA will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed within ten (10) business days of the informal hearing, to the applicant and their representative, if any.

If the informal hearing decision overturns the denial, processing for admission will resume.

If the family fails to appear for their informal hearing, the denial of admission will stand, and the family will be so notified.

## **Reasonable Accommodation for Persons with Disabilities [24 CFR 966.7]**

Persons with disabilities may request reasonable accommodations to participate in the informal hearing process and the LACDA must consider such accommodations. The LACDA must also consider reasonable accommodation requests pertaining to the reasons for denial if related to the person's disability. See Chapter 2 for more detail pertaining to reasonable accommodation requests.

## **PART II: INFORMAL HEARINGS WITH REGARD TO NONCITIZENS**

### **14-II.A. HEARING AND APPEAL PROVISIONS FOR NONCITIZENS [24 CFR 5.514]**

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. These special hearings are referred to in the regulations as informal hearings, but the requirements for such hearings are different from the informal hearings used to deny applicants for reasons other than immigration status.

Assistance to a family may not be delayed, denied, or terminated on the basis of immigration status at any time prior to a decision under the United States Citizenship and Immigration Services (USCIS) appeal process. Assistance to a family may not be terminated or denied while the LACDA hearing is pending, but assistance to an applicant may be delayed pending the completion of the informal hearing.

A decision against a family member, issued in accordance with the USCIS appeal process or the LACDA informal hearing process, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

#### **Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]**

As discussed in Chapters 3 and 13, the notice of denial or termination of assistance for noncitizens must advise the family of any of the following that apply:

- That financial assistance will be denied or terminated and provide a brief explanation of the reasons for the proposed denial or termination of assistance.
- The family may be eligible for proration of assistance.
- In the case of a tenant, the criteria and procedures for obtaining relief under the provisions for preservation of families [24 CFR 5.514 and 5.518].
- That the family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal.
- That the family has a right to request an informal hearing with the LACDA either upon completion of the USCIS appeal or in lieu of the USCIS appeal.
- For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process.

## **United States Citizenship and Immigration Services Appeal Process [24 CFR 5.514(e)]**

When the LACDA receives notification that the USCIS secondary verification failed to confirm eligible immigration status, the LACDA must notify the family of the results of the USCIS verification. The family will have 30 days from the date of the notification to request an appeal of the USCIS results. The request for appeal must be made by the family in writing directly to the USCIS. The family must provide the LACDA with a copy of the written request for appeal and proof of mailing.

### LACDA Policy

If a family member or applicant claims to be an eligible immigrant and the USCIS SAVE system and manual search do not verify the claim, the LACDA will notify the applicant or resident within ten (10) calendar days of their right to appeal to the USCIS within 30 days or to request an informal hearing for applicants/informal conference for residents with the LACDA either in lieu of or subsequent to the USCIS appeal.

If the family or applicant appeals to the USCIS, they must give the LACDA a copy of the appeal and proof of mailing or the LACDA may proceed to deny or terminate. The time period to request an appeal may be extended by the LACDA for good cause.

The family must forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request (used to process the secondary request) or such other form specified by the USCIS, and a letter indicating that the family is requesting an appeal of the USCIS immigration status verification results.

The USCIS will notify the family, with a copy to the LACDA, of its decision. When the USCIS notifies the LACDA of the decision, the LACDA must notify the family of its right to request an informal hearing.

### LACDA Policy

The request for a LACDA hearing must be made within 14 calendar days of receipt of the notice offering the hearing or, if an appeal was made to the USCIS, within 14 days of receipt of the USCIS decision.

### **Informal Hearing Procedures for Applicants [24 CFR 5.514(f)]**

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, an applicant family may request that the LACDA provide a hearing. The request for a hearing must be made either within 30 days of receipt of the LACDA notice of denial, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for applicant families are described below.

#### ***Informal Hearing Officer***

The LACDA must provide an informal hearing before an impartial individual, other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision.

#### ***Evidence***

The family must be provided the opportunity to examine and copy at the family's expense, at a reasonable time in advance of the hearing, any documents in the possession of the LACDA pertaining to the family's eligibility status, or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing.

##### LACDA Policy

The family will be allowed to copy any documents related to the hearing at no cost to the family. The family must request discovery of LACDA documents no later than 12:00 p.m. on the business day prior to the hearing.

The family must be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The family must also be provided the opportunity to refute evidence relied upon by the LACDA, and to confront and cross-examine all witnesses on whose testimony or information the LACDA relies.

#### ***Representation and Interpretive Services***

The family is entitled to be represented by an attorney or other designee, at the family's expense, and to have such person make statements on the family's behalf.

The family is entitled to request an interpreter. The LACDA is obligated to provide a competent interpreter, free of charge, upon request. The family may also or instead provide its own interpreter, at the expense of the family.

#### ***Recording of the Hearing***

The family is entitled to have the hearing recorded by audiotape. The LACDA may, but is not required to, provide a transcript of the hearing.

##### LACDA Policy

The LACDA will not provide a transcript of an audio taped informal hearing.

### ***Hearing Decision***

The LACDA will provide the family with a written notice of the final decision, based solely on the facts presented at the hearing, within 14 calendar days of the date of the informal hearing. The notice must state the basis for the decision.

#### **PHALACDA Policy**

After receipt of a request for an informal conference for Residents or an informal hearing for Applicants, the hearing is conducted as described in the “Grievance Procedures” and “Appeals by Applicants” section of this chapter for both applicants and residents. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members the LACDA will deny the applicant family.

If there are eligible members in the family, the LACDA will offer to prorate assistance or give the family the option to remove the ineligible members.

All other complaints related to eligible citizen/immigrant status:

If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied assistance.

Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of Resident Rent and Total Resident Payment.

Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

### **Retention of Documents [24 CFR 5.514(h)]**

The LACDA must retain for a minimum of five (5) years the following documents that may have been submitted to the LACDA by the family, or provided to the LACDA as part of the USCIS appeal or the LACDA informal hearing process:

- The application for assistance
- The form completed by the family for income reexamination
- Photocopies of any original documents, including original USCIS documents
- The signed verification consent form
- The USCIS verification results
- The request for a USCIS appeal
- The final USCIS determination
- The request for an informal hearing

- The final informal hearing decision

**Informal Hearing Procedures for Residents [24 CFR 5.514(f)]**

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, a resident family may request that the LACDA provide a hearing. The request for a hearing must be made either within 30 days of receipt of the LACDA notice of termination, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for resident families whose tenancy is being terminated based on immigration status is the same as for any grievance under the grievance procedures for resident families found in Part III below.

## **PART III: GRIEVANCE PROCEDURES FOR PUBLIC HOUSING RESIDENTS**

### **14-III.A. REQUIREMENTS [24 CFR 966.52]**

PHAs must have a grievance procedure in place through which residents of public housing are provided an opportunity to grieve any LACDA action or failure to act involving the lease or LACDA policies which adversely affect their rights, duties, welfare, or status. The LACDA must not only meet the minimal procedural due process requirements provided under the regulations but must also meet any additional requirements imposed by local, state or federal law.

The LACDA grievance procedure must be included in, or incorporated by reference in, the lease.

#### LACDA Policy

The LACDA grievance procedure will be incorporated by reference in the tenant lease.

The LACDA must provide at least 30 days' notice to tenants and resident organizations setting forth proposed changes in the LACDA grievance procedure and provide an opportunity to present written comments. Comments submitted must be considered by the LACDA before adoption of any changes to the grievance procedure by the LACDA.

#### LACDA Policy

Residents and resident organizations will have 30 calendar days from the date they are notified by the LACDA of any proposed changes in the LACDA grievance procedure, to submit written comments to the LACDA.

The LACDA must furnish a copy of the grievance procedure to each tenant and to resident organizations.

#### **14-III.B. DEFINITIONS [24 CFR 966.53; 24 CFR 966.51(a)(2)(i)]**

There are several terms used by HUD with regard to public housing grievance procedures, which take on specific meanings different from their common usage. These terms are as follows:

- **Grievance** – any dispute which a resident may have with respect to LACDA action or failure to act in accordance with the individual resident’s lease or LACDA regulations which adversely affect the individual resident’s rights, duties, welfare or status. Grievance does not include disputes between residents not involving the LACDA; class grievances such as rent strikes; a forum for initiating or renegotiating policy changes between groups of residents and the LACDA Board of Commissioners; not to an eviction based upon violent criminal activity or drug related criminal activity.
- **Complainant** – any resident whose grievance is presented to the LACDA or at the site/management office.
- **Due Process Determination** – a determination by HUD that law of the jurisdiction requires that the resident must be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the dwelling unit.
- **Elements of Due Process** – an eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards are required:
  - Adequate notice to the resident of the grounds for terminating the tenancy and for eviction
  - Right of the resident to be represented by counsel
  - Opportunity for the resident to refute the evidence presented by the LACDA including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the resident may have
  - A decision on the merits
- **Hearing Officer** – an impartial person or selected by the LACDA, other than the person who made or approved the decision under review, or a subordinate of that person.
- **Resident** – the adult person (or persons) (other than a live-in aide)
  - Who resides in the unit, and who executed the lease with the LACDA as lessee of the dwelling unit, or, if no such person now resides in the unit,
  - Who resides in the unit, and who is the remaining head of household of the resident family residing in the dwelling unit
- **Resident Organization** – includes a resident management corporation
- **VAWA** – An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy rights of the victim of such violence. Criminal activity directly relating to domestic violence, dating violence, sexual assault or

stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy, if the tenant, or affiliated individual of the tenant is a victim of that domestic violence, dating violence, sexual assault or stalking

### **14-III.C. APPLICABILITY [24 CFR 966.51]**

Grievances could potentially address most aspects of a LACDA's operation. However, there are some situations for which the grievance procedure is not applicable.

The grievance procedure is applicable only to individual tenant issues relating to the LACDA. It is not applicable to disputes between residents not involving the LACDA. Class grievances are not subject to the grievance procedure and the grievance procedure is not to be used as a forum for initiating or negotiating policy changes of the LACDA.

If HUD has issued a due process determination, a LACDA may exclude from the LACDA grievance procedure any grievance concerning a termination of tenancy or eviction that involves:

- Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of the LACDA;
- Any violent or drug-related criminal activity on or off such premises; or
- Any criminal activity that resulted in felony conviction of a household member

If HUD has issued a due process determination, the LACDA may evict through the State/local judicial eviction procedures. In this case, the LACDA is not required to provide the opportunity for a hearing under the LACDA's grievance procedure as described above.

#### LACDA Policy

The LACDA is located in a HUD-declared due process state. Therefore, the LACDA will not offer grievance hearings for lease terminations involving the following,

Any activity, not just criminal activity, that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the LACDA, for violent criminal activity on or off the premises, or for any criminal activity that resulted in felony conviction of a household member. Or,

Any drug-related criminal activity on or off the premises. The cultivation, manufacture, distribution, sale, use and/or possession of marijuana with the intent to cultivate, manufacture, distribute, sell, and/or use of marijuana for recreational and/or medical reasons is also a violation of the LACDA's policies relating to drug-related criminal activity and constitutes "drug-related criminal activity" under federal law. The cultivation, manufacture, distribution, sale, use and/or possession of marijuana for recreational and/or medical reasons subjects a tenant to the termination of tenancy.

See Chapter 13 for related policies on the content of termination notices.

#### **14-III.D. INFORMAL SETTLEMENT OF GRIEVANCE [24 CFR 966.54]**

HUD regulations state that any grievance must be personally presented, either orally or in writing, to the LACDA office or to the office of the housing development in which the complainant resides so that the grievance may be discussed informally and settled without a hearing.

##### LACDA Policy

Any grievance shall be presented in writing through a “Grievance Request Form” submitted to the LACDA office or to the housing management office who sent the notice on which the grievance is based. Written grievances must be signed by the resident. The grievance must be requested within ten (10) calendar days after receipt of the notice of any adverse action on which the grievance is based. It may be simply stated, but shall specify:

The particular grounds upon which it is based,

The action requested; and

The name, address, and telephone number of the complainant, and similar information about the complainant’s representative, if any.

The LACDA will provide reasonable accommodation for persons with disabilities to participate in the informal conference. The LACDA must be notified within three (3) calendar days of the scheduled time if special accommodations are required.

The purpose of the informal conference is to discuss the nature and circumstances of the grievance and to determine if the parties can resolve the grievance without the necessity of a formal hearing. A formal hearing is only for current residents.

Except for good cause as determined by the LACDA such as, but not limited to hospitalization, illness or injury, a designated LACDA representative shall hold an informal conference with the resident within ten (10) calendar days of receipt of the grievance. At the informal conference, the resident will present their grievance and the LACDA representative will discuss and attempt to settle the grievance.

If the complainant fails to appear within 30 minutes of the scheduled time, the LACDA representative may cancel the informal conference and determine that the complainant has waived their grievance rights.

HUD regulations require that a summary of such discussion will be prepared within a reasonable time and one copy will be given to the tenant and one retained in the LACDA’s tenant file.

The summary must specify the names of the participants, dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore, will specify the procedures by which a hearing may be obtained if the complainant is not satisfied.

##### LACDA Policy

When the informal conference is completed the LACDA representative will provide the resident with a written summary of the informal conference. The summary of the informal conference shall be prepared within a reasonable time and one copy shall be

given to the tenant and one retained in the LACDA's tenant file. The summary will specify the date of the informal conference, names of participants, nature of the disposition of the complaint and supporting reasons, as well as specifying the procedures by which a formal hearing may be obtained if the grievance has not been resolved at this level. A receipt signed by the resident or a return receipt for delivery of certified mail, whether or not signed, will be sufficient proof of time of delivery for the summary of the informal conference.

## **14-III.E. PROCEDURES TO OBTAIN A HEARING**

### **Requests for Hearing and Failure to Request**

#### LACDA Policy

After exhausting the informal conference procedures outlined above, a complainant shall be entitled to a formal hearing before a hearing officer.

If the resident, also known as the complainant, is dissatisfied with the results of the informal conference, s/he shall submit a “Grievance Request Form” requesting a formal hearing within ten (10) calendar days of the date of service of the informal conference summary. The request must specify the reason for the grievance request and the relief sought.

If the complainant does not request a formal hearing within ten (10) calendar days of the date of service of the informal conference summary, s/he waives his/her rights to a hearing, and the LACDA’s disposition of the grievance under the informal conference process will become final. However, failure to request a hearing does not constitute a waiver by the complainant of the right to contest the LACDA’s action in disposing of the complaint in an appropriate judicial proceeding.

### **Scheduling of Hearings [24 CFR 966.56(a)]**

If the complainant has complied with all requirements for requesting a hearing as described above, a hearing must be scheduled by the hearing officer promptly for a time and place reasonably convenient to both the complainant and the LACDA. A written notification specifying the time, place and the procedures governing the hearing must be delivered to the complainant and the appropriate LACDA official.

#### LACDA Policy

#### **Informal Conference Prerequisite**

All grievances must be presented pursuant to the informal conference procedure as a prerequisite to a formal hearing. The hearing officer may waive the prerequisite informal conference if, and only if, the complainant can show good cause why s/he failed to proceed informally.

#### **Escrow Deposit**

Before a hearing is scheduled in any grievance involving an amount of rent the LACDA claims is due, the complainant shall pay to the LACDA all rent due and payable as of the month preceding the month in which the act or failure to act took place.

The complainant shall thereafter give the LACDA their monthly rent and the LACDA will deposit the monthly rent into an escrow account each month until the complaint is resolved by decision of the hearing officer.

The LACDA will waive these escrow requirements if the complainant is paying minimum rent, and the grievance is based on a request for hardship exemption or imputed welfare income.

Unless so waived, failure to make the required escrow payments shall result in termination of the grievance procedure.

Failure to make such payments does not constitute a waiver of any right the complainant may have to contest the LACDA's disposition of the grievance in any appropriate judicial proceeding.

### **Scheduling**

Within ten (10) business days of receiving a written request for a hearing, the hearing LACDA will coordinate with the third- party hearing officer (if applicable) to schedule the hearing, then will send written notice of the hearing to both the complainant and the LACDA's third-party hearing-officer.

The LACDA may wish to permit the resident to request to reschedule a hearing for good cause.

### **LACDA Policy**

The resident may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family. Requests to reschedule a hearing must be made orally or in writing at least three (3) days prior to the hearing date. At its discretion, the LACDA may request documentation of the "good cause" prior to rescheduling the hearing.

#### **14-III.F. SELECTION OF HEARING OFFICER [24 CFR 966.53(e)]**

The grievance hearing must be conducted by an impartial person or persons appointed by the LACDA, other than the person who made or approved the LACDA action under review, or a subordinate of such person. The LACDA must describe their policies for selection of a hearing officer in their lease.

##### LACDA Policy

A grievance hearing shall be conducted by an impartial person appointed by the LACDA other than the person who made or approved the LACDA action under review, or a subordinate of such person.

Hearing Officer shall be appointed by the LACDA through an approved list of hearing officers or through an organization approved by the Executive Director of the LACDA.

Each party may challenge the hearing officer for good cause and must file an objection stating reason prior to start of hearing.

Note: PHAs must describe their policies for selection of a hearing officer in their lease forms. Changes to the public housing lease are subject to a 30-day comment period [24 CFR 966.4].

#### **14-III.G. PROCEDURES GOVERNING THE HEARING [24 CFR 966.56]**

##### **Rights of Complainant [24 CFR 966.56(b)]**

The complainant will be afforded a fair hearing and be provided the basic safeguards of due process. This includes:

- The opportunity to examine before the grievance hearing any LACDA documents, including records and regulations that are directly relevant to the hearing. The tenant must be allowed to copy any such document at the tenant's expense. If the LACDA does not make the document available for examination upon request by the complainant, the LACDA may not rely on such document at the grievance hearing.

##### LACDA Policy

The opportunity to examine and to copy before the hearing, at the expense of the complainant (\$.25 per copy), all documents, records and regulations of the LACDA that are relevant to the hearing with at least a 24-hour notice prior to the hearing. Any document not so made available after request by the complainant may not be relied upon by the LACDA at the hearing.

The LACDA shall also have the opportunity to examine and to copy at the expense of the LACDA all documents, records and statements that the resident plans to submit during the hearing to refute the LACDA's inaction or proposed action. Any documents not so made available to the LACDA may not be relied upon at the hearing.

- The right to be represented by counsel or other person chosen as a representative at the family's expense.

##### LACDA Policy

Hearings may be attended by the following applicable persons:

The LACDA representatives and any witnesses for the LACDA

The tenant and any witnesses for the tenant

The tenant's counsel or other representative

Any other person approved by the LACDA as a reasonable accommodation for a person with a disability

- The right to a private hearing unless the complainant requests a public hearing.
- The right to present evidence and arguments in support of the resident's complaint, to controvert evidence presented by the LACDA, and to confront and cross-examine all witnesses upon whose testimony or information the LACDA relies, limited to the issues for which the complainant has received the opportunity for a formal hearing.
- The right to a decision based solely and exclusively upon the facts presented at the hearing.

**Failure to Appear [24 CFR 966.56(c)]**

If the complainant or the LACDA fails to appear at a scheduled hearing, the hearing officer may make a determination to postpone the hearing for no more than five business days or may make a determination that the party has waived their right to a hearing. Both the complainant and the LACDA must be notified of the determination by the hearing officer: Provided that a determination that the complainant has waived their right to a hearing will not constitute a waiver of any right the complainant may have to contest the LACDA's disposition of the grievance in an appropriate judicial proceeding.

There may be times when a complainant does not appear due to unforeseen circumstances which are out of their control and are no fault of their own.

LACDA Policy

If the complainant fails to appear within thirty (30) minutes of the scheduled time, the hearing officer may determine that the complainant has waived their right to a hearing. Such a determination in no way waives the complainant's right to appropriate judicial proceedings in another forum.

## **General Procedures [24 CFR 966.56(d), (e)]**

At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter the LACDA must sustain the burden of justifying the LACDA action or failure to act against which the complaint is directed [24 CFR 966.56(d)].

The hearing is conducted informally by the hearing officer. The LACDA and the resident must be given the opportunity to present oral or documentary evidence pertinent to the facts and issues raised by the complaint, and to question any witnesses.

### LACDA Policy

The hearing shall be conducted by the hearing officer as follows:

Oral and documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The hearing officer shall require the LACDA, complainant, counsel, and other participants and spectators to conduct themselves in an orderly manner. The failure to comply with the directions of the hearing officer to maintain order will result in the exclusion from the proceedings, or a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.

Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence.

**Oral evidence:** the testimony of witnesses

**Documentary evidence:** a writing which is relevant to the case, for example, a letter written to the LACDA. Writings include all forms of recorded communication or representation, including letters, emails, words, pictures, sounds, videotapes or symbols or combinations thereof.

**Demonstrative evidence:** Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram.

**Real evidence:** A tangible item relating directly to the case.

*Hearsay Evidence* is evidence based not on a witness' personal knowledge. In and of itself, hearsay evidence carries no weight when making a finding of fact. The hearing officer may include hearsay evidence when considering their decision if it is corroborated by other evidence. Even though hearsay evidence is generally admissible in a hearing, the hearing officer will not base a hearing decision on hearsay alone unless there is clear probative value and credibility of the evidence, and the party seeking the change has met the burden of proof.

If the LACDA fails to comply with the discovery requirements (providing the tenant with the opportunity to examine LACDA documents prior to the grievance hearing), the hearing officer will refuse to admit such evidence.

Other than the failure of the LACDA to comply with discovery requirements, the hearing officer has the authority to overrule any objections to evidence.

The complainant or the LACDA may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript [24 CFR 966.56(e)].

LACDA Policy

Either party may request a tape recording of the hearing. The LACDA shall provide equipment and an operator for the purpose of recording the hearing. The complainant may secure a duplicate at his/her expense.

**Accommodations of Persons with Disabilities [24 CFR 966.56(f)]**

The LACDA must provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants.

If the tenant is visually impaired, any notice to the tenant which is required in the grievance process must be in an accessible format.

See Chapter 2 for a thorough discussion of the LACDA's responsibilities pertaining to reasonable accommodation.

**Limited English Proficiency (24 CFR 966.56(g))**

The LACDA must comply with HUD's LEP Final Rule in providing language services throughout the grievance process.

#### **14-III.H. DECISION OF THE HEARING OFFICER [24 CFR 966.57]**

The hearing officer must issue a written decision, stating the reasons for the decision, within a reasonable time after the hearing. Factual determinations relating to the individual circumstances of the family must be based on a preponderance of evidence presented at the hearing. A copy of the decision must be sent to the complainant and the LACDA. The LACDA must retain a copy of the decision in the tenant's folder. A log of all hearing officer decisions must also be maintained by the LACDA and made available for inspection by a prospective complainant, their representative, or the hearing officer [24 CFR 966.57(a)].

##### **LACDA Policy**

In rendering a decision, the hearing officer will consider the following matters:

**LACDA Notice to the Family:** The hearing officer will determine if the reasons for the LACDA's decision are factually stated in the notice.

**Discovery:** The hearing officer will determine if the family was given the opportunity to examine any relevant documents in accordance with LACDA policy.

**LACDA Evidence to Support the LACDA Decision:** The evidence consists of the facts presented. Evidence is not conclusion, and it is not argument. The hearing officer will evaluate the facts to determine if they support the LACDA's conclusion.

**Validity of Grounds for Termination of Tenancy (when applicable):** The hearing officer will determine if the termination of tenancy is for one of the grounds specified in the HUD regulations and LACDA policies. If the grounds for termination are not specified in the regulations or in compliance with LACDA policies, then the decision of the LACDA will be overturned.

The hearing officer shall mail to the LACDA and the complainant/or his or her representative a written decision, including the reasons for the decision, within ten (10) calendar days following the hearing. The LACDA will place one copy in the resident files. The written decision will be sent to the address provided at the hearing. The LACDA shall maintain a log of hearing officer decisions and make it available upon request. The report will contain the following information:

##### **Hearing information:**

Name of the complainant

Date, time and place of the hearing

Name of the hearing officer

Name of the LACDA representatives

Name of family representative (if any)

Names of witnesses (if any)

**Background:** A brief, impartial statement of the reason for the hearing and the date(s) on which the informal settlement was held, who held it, and a summary of the results of the informal settlement. Also includes the date the complainant requested the grievance hearing.

**Summary of the Evidence:** The hearing officer will summarize the testimony of each witness and identify any documents that a witness produced in support of their testimony and that are admitted into evidence.

**Findings of Fact:** The hearing officer will include all findings of fact, based on a preponderance of the evidence. *Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

**Conclusions:** The hearing officer will render a conclusion derived from the facts that were found to be true by a preponderance of the evidence. The conclusion will result in a determination of whether these facts uphold the LACDA's decision.

**Order:** The hearing report will include a statement of whether the LACDA's decision is upheld or overturned. If it is overturned, the hearing officer will instruct the LACDA to change the decision in accordance with the hearing officer's determination. In the case of termination of tenancy, the hearing officer will instruct the LACDA to restore the family's status.

### **Procedures for Further Hearing**

#### LACDA Policy

The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the family misses an appointment or deadline ordered by the hearing officer, the action of the LACDA will take effect and another hearing will not be granted.

### **Final Decision [24 CFR 966.57(b)]**

The decision of the hearing officer shall be binding on the LACDA which shall take the action(s) necessary to carry out the decision, unless the LACDA Board of Commissioners intervene in the Matter. The Board of Commissioners may overturn a hearing officer's decision in either of the following two (2) situations:

- The grievance does not concern LACDA action or failure to act in accordance with or involving the complainant's lease or LACDA regulations which adversely affect the complainant's rights, duties, welfare, or status; or
- The decision of the hearing officer is contrary to Federal, State, or local law, HUD regulations or requirements of the Annual Contributions contract between HUD and the LACDA

#### LACDA Policy

If the hearing officer determines that the issue has been previously decided in another proceeding, a decision may be rendered without proceeding with the hearing.

A decision by the hearing officer or Board of Commissioners in favor of the LACDA or which denies the relief requested by the complainant in whole or in part must not constitute a waiver of any rights, nor effect in any manner whatever, any rights the complainant may have to a subsequent trial or judicial review in court [24 CFR 966.57(c)].

Any grievance in which the Resident claims a right under VAWA, a hearing officer will not issue a decision and instead will postpone the hearing until such time as a decision on the VAWA request has been made in compliance with all VAWA references made in this ACOP.

### **LACDA Eviction Actions**

A notice of termination is suspended pending the grievance process. As the notice of termination tolls, rent shall continue to be due and owing during and pending the grievance hearing procedures. The failure to pay rent pending the grievance process will result in a waiver of the grievance. If a resident has requested a hearing in accordance with these duly adopted Grievance Procedures on a complaint involving a LACDA notice of termination of tenancy, and the hearing officer upholds the LACDA action, the LACDA shall not commence an eviction action until the notice of termination of tenancy expires.



#### **EXHIBIT 14-1: GRIEVANCE PROCEDURE**

**The sample procedure provided below is a sample only and is designed to match up with the default policies in the model ACOP. If your LACDA has made further policy decisions after NMA has provided you with this chapter, you would need Definitions applicable to the grievance procedure [24 CFR 966.53].**

##### **I. Introduction**

Public housing tenants have the right to request a grievance hearing for any LACDA action or failure to act in accordance with the tenant's lease.

Grievance procedures do not apply in the following circumstances:

- A. Disputes between tenants not involving the LACDA or class grievances [24 CFR 966.51(b)].
- B. The grievance procedure is not intended as a forum for initiating or negotiating policy changes between a group or groups of tenants and the LACDA's Board of Commissioners [24 CFR 966.51(b)].
- C. When the LACDA is in a HUD-declared due process state, HUD allows the LACDA to exclude from the LACDA grievance procedure any grievance concerning a termination of tenancy or eviction that involves:
  - i. Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of the LACDA;
  - ii. Any violent or drug-related criminal activity on or off such premises; or
  - iii. Any criminal activity that resulted in felony conviction of a household member [24 CFR 966.51(a)(2)].

## II. Definitions [24 CFR 966.53]

- A. **Grievance:** Any dispute a tenant may have with respect to LACDA action or failure to act in accordance with the individual tenant's lease or LACDA regulations that adversely affects the individual tenant's rights, duties, welfare, or status.
- B. **Complainant:** Any tenant (as defined below) whose grievance is presented to the LACDA or at the project management office in accordance with the requirements presented in this procedure.
- C. **Elements of due process:** An eviction action or a termination of tenancy in a state or local court in which the following procedural safeguards are required:
  - i. Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction
  - ii. Right of the tenant to be represented by counsel
  - iii. Opportunity for the tenant to refute the evidence presented by the LACDA, including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense that the tenant may have
  - iv. A decision on the merits of the case
- D. **Hearing officer:** An impartial person or persons selected by the LACDA other than the person who made or approved the decision under review, or a subordinate of that person. Such individuals do not need legal training.
- E. **Tenant/Resident:** The adult person (or persons other than a live-in aide) who resides in the unit and who executed the lease with the LACDA as lessee of the dwelling unit, or if no such person now resides in the unit, the person who resides in the unit and is the remaining head of the household of the tenant family residing in the dwelling unit.
- F. **Resident organization:** An organization of residents, which also may include a resident management corporation.

### **III. This grievance procedure [24 CFR 966.51]**

This grievance procedure is included by reference in all tenant dwelling leases and will be furnished to each tenant and all resident organizations [24 CFR 966.52 (b) and (d)].

Any changes proposed in this grievance procedure must provide for at least 30 days' notice to tenants and resident organizations, explaining the proposed changes and providing an opportunity to present written comments. Comments will be considered by the LACDA before any revisions are made to the grievance procedure [24 CFR 966.52(c)].

### **IV. Informal settlement of a grievance [24 CFR 966.54]**

Any grievance request must be personally presented, either orally or in writing (including email), to the LACDA's central office or the management office of the development in which the tenant resides within 10 days after the violation.

As soon as the grievance request is received, it will be reviewed by the LACDA to ensure it meets the requirements for a grievance hearing. If the tenant is not entitled to a grievance, the LACDA will notify the tenant that they may instead seek judicial review and the procedures for requesting such a review [24 CFR 966.4(l)(3)(i)(C)(v)(B)].

Otherwise, within 10 business days, the tenant will be contacted to arrange a mutually convenient time to meet so the grievance may be discussed and settled without a hearing. At the informal settlement, the tenant will present their grievance.

Within five business days following the informal settlement, the LACDA will prepare and either hand deliver, mail, or email to the tenant a summary of the discussion. The summary will specify the names of the participants; the date of the meeting; the nature of the proposed resolution of the complaint, with specific reason(s); and will specify the procedures by which a formal hearing under this procedure may be obtained if the tenant is not satisfied [24 CFR 966.54]. A copy of this summary will also be placed in the tenant's file.

### **V. Requesting a formal grievance hearing**

If the tenant is not satisfied with the outcome of the informal settlement, the tenant must submit a written request for a hearing to the management office of the development where the tenant lives no later than five business days after receiving the summary of the informal settlement.

The written request must specify the reasons for the request and the action or relief sought from the LACDA.

## **VI. Selecting the hearing officer**

A grievance hearing will be conducted by an impartial person appointed by the LACDA as described below:

- A. The hearing officer will be appointed directly by the executive director.
- B. The hearing officer will be someone who did not make or approve the decision under review and who is not a subordinate of such persons [24 CFR 066.54(e)].
- C. The LACDA's method for selecting a hearing officer will be included in the lease [24 CFR 966.54(e)].

## **VII. Scheduling hearings [24 CFR 966.56(a)]**

When a tenant submits a timely request for a grievance hearing, the LACDA will immediately appoint an impartial hearing officer.

Once the hearing has been scheduled, the tenant will receive written notice of the hearing, sent by mail or email, return receipt requested.

Within 10 days of receiving the written request, the hearing will be scheduled. The tenant, LACDA, and hearing officer will be notified in writing of the date, time and location of the hearing. If the hearing will be held remotely, the LACDA will also include information on the remote hearing process.

The tenant may request to reschedule a hearing once. Should the tenant need to reschedule a second time, they may only do so for good cause, or if needed as a reasonable accommodation for a person with disabilities. *Good cause* is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family. Requests to reschedule a hearing must be made orally or in writing at least one day prior to the hearing date.

## **VIII. Procedures governing the hearing [24 CFR 966.56]**

The hearing will be held before a hearing officer as described above in Section VI. The tenant will be afforded a fair hearing, which will include:

- A. The opportunity to examine any LACDA documents before the hearing, including records and regulations, that are directly relevant to the hearing.

The tenant must request to view and copy LACDA documents relevant to the hearing by noon of the day before the hearing. The tenant is allowed to copy any such document at no cost to the tenant.

If the LACDA does not make the document available for examination upon request by the tenant, the LACDA may not rely on such document at the grievance hearing.

- B. The right to be represented by counsel or any other person chosen as the tenant's representative, at the tenant's expense, and to have such person make statements on the tenant's behalf.
- C. The right to a private hearing unless the tenant requests a public hearing.
- D. The right to present evidence and arguments in support of the tenant's complaint, to refute evidence relied on by the LACDA or project management, and to confront and cross-examine all witnesses upon whose testimony or information the LACDA or project management relies.
- E. A decision based solely and exclusively upon the facts presented at the hearing [24 CFR 966.56(b)].

The hearing is conducted informally by the hearing officer. The LACDA and the tenant must be given the opportunity to present oral or documentary evidence that is relevant to the facts and issues raised, and to question any witnesses.

The hearing decision will be based on the preponderance of the evidence, defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

The resident or the LACDA may arrange in advance for a transcript or recording of the hearing at the expense of the party making the arrangement.

The LACDA must provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants. If the tenant is visually impaired, any notice to the tenant that is required under this procedure must be in an accessible format [24 CFR 966.56(f)].

The LACDA must comply with HUD's requirements regarding limited English proficiency (LEP). The tenant has the right to request competent oral interpretation, free of charge. LEP requirements can be found at: [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/promotingfh/lep-faq](https://www.hud.gov/program_offices/fair_housing_equal_opp/promotingfh/lep-faq)

## **IX. Remote Hearings**

The LACDA has the authority to require that hearings be conducted remotely in certain situations (i.e., Zoom, TEAMS, or other LACDA site locations).

## **X. Failure to appear at the hearing**

If the tenant does not arrive within 15 minutes of the scheduled time, it will be considered a failure to appear, which means they have given up their right to a hearing.

Both the tenant and the LACDA must be notified of the determination by the hearing officer. A determination that the tenant has waived their right to a hearing will not constitute a waiver of any right the tenant may have to contest the LACDA's disposition of the grievance in an appropriate judicial setting [24 CFR 966.56(c)].

## **XI. Decision of the hearing officer [24 CFR 966.57]**

The hearing officer will prepare a written decision together with the reasons for the decision within 10 business days after the hearing. A copy of the decision will be sent to the tenant and the LACDA.

The LACDA will retain a copy of the decision in the tenant's file.

The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date before reaching a decision. If the family misses a deadline ordered by the hearing officer, the hearing officer will make a decision based on the evidence presented.

The decision of the hearing officer will be binding on the LACDA unless the LACDA's Board of Commissioners determines within a reasonable time and notifies the tenant of its determination that:

- A. The grievance does not concern LACDA action or failure to act in accordance with or involving the tenant's lease or LACDA regulations, which adversely affect the tenant's rights, duties, welfare, or status; or
- B. The decision of the hearing officer is contrary to applicable federal, state, or local law, HUD regulations, or requirements of the annual contributions contract (ACC) between HUD and the LACDA.

When the LACDA considers the decision of the hearing officer to be invalid for either of the reasons stated above, it will present the matter to the LACDA Board of Commissioners within 10 business days of the date of the hearing officer's decision. The Board will have 30 calendar days to consider the decision. If the Board decides to reverse the hearing officer's decision, it must notify the tenant within 10 business days of this decision.

A decision by the hearing officer or Board of Commissioners in favor of the LACDA or which denies the relief requested by the tenant, in whole or in part, will not constitute a waiver of nor affect in any way the tenant's right to a trial or judicial review in any court proceedings, which may be brought in the matter later [24 CFR 966.57].



## Chapter 15

### PROGRAM INTEGRITY

#### INTRODUCTION

The LACDA is committed to ensuring that funds made available to the LACDA are spent in accordance with HUD requirements.

This chapter covers HUD and LACDA policies designed to prevent, detect, investigate and resolve instances of program abuse or fraud. It also describes the actions that will be taken in the case of unintentional errors and omissions.

Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her injury. Fraud and abuse by a resident or applicant, therefore, may constitute an *intentional* misrepresentation of income, assets, and allowances, or intentional misrepresentation of family composition or initiating and participating in bribes or other illegal activities.

Intentional may mean a claim that a resident or applicant *knows or has reason to know* is false, fictitious, or fraudulent.

Knows or has reason to know may mean a person acts in deliberate ignorance of the truth or acts in reckless disregard of the truth or falsity of the claim or statement.

Part I: Preventing, Detecting, and Investigating Errors and Program Abuse. This part presents LACDA policies related to preventing, detecting, and investigating errors and program abuse.

Part II: Corrective Measures and Penalties. This part describes the corrective measures the LACDA must and may take when errors or program abuses are found.



## **PART I: PREVENTING, DETECTING, AND INVESTIGATING ERRORS AND PROGRAM ABUSE**

### **15-I.A. PREVENTING ERRORS AND PROGRAM ABUSE**

HUD created the Enterprise Income Verification (EIV) system to provide PHAs with a powerful tool for preventing errors and program abuse. PHAs are required to use the EIV system at annual reexamination in accordance with HUD administrative guidance [24 CFR 5.233]. PHAs are further required to:

- Provide applicants and residents with form HUD-52675, “Debts Owed to PHAs and Terminations”
- Require all adult members of an applicant or participant family to acknowledge receipt of form HUD-52675 by signing a copy of the form for retention in the family file
- All adult applicants/residents must sign the HUD-9886-A to consent to allow the LACDA to verify applicant/resident provided information.

#### LACDA Policy

The LACDA anticipates that the vast majority of families and LACDA employees intend to and will comply with program requirements and make reasonable efforts to avoid errors.

To ensure that the LACDA’s program is administered effectively and according to the highest ethical and legal standards, the LACDA will employ a variety of techniques to ensure that both errors and intentional program abuse are rare.

Management and program staff will utilize various methods and practices (listed below) to help prevent program abuse, noncompliance, and willful violations of program rules by applicants and residents. This policy objective is to establish confidence and trust in the management by emphasizing education as the primary means to obtain compliance by residents.

Things You Should Know (HUD-1140-OIG): The LACDA will provide each applicant and resident form HUD-1141-OIG; and, will promote the understanding of program rules and clarify the LACDA’s expectation for cooperation and compliance. Additionally, applicant and residents will be explained the types of actions a family must avoid and the penalties for program abuse.

What You Should Know about EIV: The LACDA will provide each applicant and resident with a copy of “What You Should Know about EIV,” a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2017-12. In addition, the LACDA will require the head of each household to acknowledge receipt of the guide by signing a copy for retention in the family file.

Program Orientation Session: The LACDA will require mandatory orientation sessions for all prospective residents either prior to or upon execution of the Lease. The LACDA will discuss program compliance and integrity issues. At the

conclusion of all program orientation sessions, the family representative will be required to sign HUD-1140-OIG form to confirm that all rules and pertinent regulations were explained to them regarding fraud and abuse.

Resident Counseling: The LACDA will routinely provide resident counseling in order to clarify any confusion pertaining to program rules and requirements.

Review and Explanation of Forms: LACDA staff will be required to review and explain the contents of all HUD- and LACDA-required forms prior to requesting family member signatures. At every regular reexamination the LACDA staff will explain any changes in HUD regulations or LACDA policy that affect residents

Use of Instructive Signs and Warnings: Instructive signs will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse. Additionally, the LACDA will place a warning statement about the penalties for fraud (as described in 18 U.S.C. 1001 and 1010) on key LACDA forms and form letters that request information from a family member.

Staff Training: The LACDA will provide each LACDA employee with the necessary training on program rules and the organization's standards of conduct and ethics.

For purposes of this chapter the term *error* refers to an unintentional error or omission. *Program abuse or fraud* refers to a single act or pattern of actions that constitute a false statement, omission, or concealment of a substantial fact, made with the intent to deceive or mislead.

## LACDA Policy

### **Criteria for Investigation of Suspected Abuse and Fraud**

The LACDA does not intend to undertake an inquiry or an audit of a resident family arbitrarily. The LACDA's expectation is that resident families will comply with HUD requirements, provisions of the lease, and other program rules. The LACDA staff will make an effort (formally and informally) to orient and educate all families in order to avoid unintentional violations. However, the LACDA has a responsibility to HUD, to the community, and to eligible families in need of housing assistance, to monitor residents' lease obligations for compliance, and when indicators of possible abuse come to the LACDA's attention, to investigate such claims.

The LACDA may initiate an investigation of a resident family in the event of one or more of the following circumstances:

Referrals, Complaints, or Tips: Referrals from other agencies, companies or persons which are received by mail, by telephone or in person, which allege that a household is in noncompliance with, or otherwise violating the lease or the program rules. Such follow-

up will be made providing that the referral contains at least one item of information that is independently verifiable. Document of the allegation and supporting documents will be retained in the resident file.

### **15-I.B. DETECTING ERRORS AND PROGRAM ABUSE**

In addition to taking steps to prevent errors and program abuse, the LACDA will use a variety of activities to detect errors and program abuse.

#### **Quality Control and Analysis of Data**

##### LACDA Policy

The LACDA will employ a variety of methods to detect errors and program abuse, including:

The LACDA routinely will use EIV and other non-HUD sources of up-front income verification. This includes the Work Number, LEADER System, and any other private or public databases available to the LACDA.

EIV inquiries will be made in the following circumstances:

Annual/Interim Re-certifications.

Post Move-in (New Admissions) within 60-days of the move-in date.

When an allegation is received by the LACDA wherein unreported income sources are disclosed.

When a resident's expenditures exceed his/her reported income, and no plausible explanation is given.

At each annual/interim reexamination, current information provided by the family will be compared to information provided at the last annual/interim reexamination to identify inconsistencies and incomplete information, unless stated otherwise under HOTMA discretionary policies adopted by the LACDA.

The LACDA will compare family-reported income and expenditures to detect possible unreported income.

Credit Bureau inquiries may be made in the following circumstances:

Application Process.

Annual/Interim Re-certifications.

When an allegation is received by the LACDA wherein unreported income sources are disclosed.

When a resident's expenditures exceed his/her reported income, and no plausible explanation is given.

Inquiries to State Wage and Employment record keeping agencies as authorized under Public Law 100-628, the Stewart B. McKinley Homeless Assistance

Amendments Act of 1988, may be made annually in order to detect unreported wages or unemployment compensation benefits.

Management and Program Staff (including maintenance personnel and policing authorities) will be trained to maintain high awareness of circumstances which may indicate program abuse or fraud, such as unauthorized persons residing in the household and unreported income and assets, including personnel and real property.

**Quality Control File Reviews:** Eligible applicant files prior to a unit offer will be randomly selected for quality control review by the site Property Manager including **all** new admission certifications. Subsequent re-certifications will be randomly selected by the Administrative Unit and assigned to the Property Managers for quality control review. Such reviews may include, but are not limited to:

Changes in reported Social Security Numbers or dates of birth.

Authenticity of file documents.

Ratio between reported income and expenditures.

Review of signatures for consistency with previously signed file documents.

Assurance that verification of all income and deduction is present and thoroughly documented as per HUD's mandated verification procedures.

Review of the household's EIV Income Report and IVT Report.

Review of the household's Credit Bureau Report.

Verification of Citizenship Status and supporting documents.

Review of required signatures for all HUD mandated forms and Public Housing Lease and Addendums.

### **Independent Audits and HUD Monitoring**

Notice PIH 2015-16 requires all PHAs that expend \$750,000 or more in federal awards annually to have an independent audit (IPA). In addition, HUD conducts periodic on-site and automated monitoring of LACDA activities and notifies the LACDA of errors and potential cases of program abuse.

#### **LACDA Policy**

The LACDA will use the results reported in any IPA or HUD monitoring reports to identify potential program abuses as well as to assess the effectiveness of the LACDA's error detection and abuse prevention efforts.

### **Individual Reporting of Possible Errors and Program Abuse**

#### **LACDA Policy**

The LACDA will encourage staff, residents, and the public to report suspected program abuse to the Property Manager and/or LACDA staff.

## **15-I.C. INVESTIGATING ERRORS AND PROGRAM ABUSE**

### **When the LACDA Will Investigate**

#### LACDA Policy

The LACDA will carefully evaluate all referrals, specific allegations, complaints, and tips from any source including other agencies, companies, and individuals, to determine if they warrant investigation. The LACDA will not follow up on allegations which are vague or otherwise nonspecific. In order for the LACDA to investigate, the allegation must contain at least one independently-verifiable fact, such as the name of an employer or the name of an unauthorized household member.

The LACDA will investigate when inconsistent or contradictory information is detected through file reviews and the verification process. An internal file review will be conducted by the site Property Management office to determine:

If the subject of the allegation is a current Public Housing resident, and if so, the LACDA will verify and determine whether the information reported has been previously disclosed by the family.

It will then be determined if the LACDA is the most appropriate authority to do a follow-up (more so than police or social services). Any file documentation of past behavior as well as corroborating complaints will be evaluated.

If at the conclusion of the preliminary file review, there is/are fact(s) contained in the allegation which conflict with file data, and the fact(s) are independently verifiable, the site management staff will initiate an investigation to determine if the allegation is true or false.

### **Consent to Release of Information [24 CFR 960.259]**

The LACDA may investigate possible instances of error or abuse using all available LACDA and public records. If necessary, the LACDA will require families to sign consent forms for the release of additional information.

### **Analysis and Findings**

#### LACDA Policy

The LACDA will base its evaluation on a preponderance of the evidence collected during its investigation.

*Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence that as a whole shows that the fact sought to be proved is more probable than not. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

If the site management determines that an allegation or referral warrants further investigation, the site management staff will conduct the review. The steps taken will depend upon the nature of the allegation and may include, but are not limited to, the items listed below. In all cases, the LACDA will ensure, where required, that a written

authorization from the program participant for the release of information has been obtained.

**EIV Report Review:** The LACDA staff will obtain a current EIV report on the household that may have under/unreported their annual income.

**Credit Bureau Inquiries (CBIs):** In cases involving previously under/unreported income sources, a CBI inquiry may be made to determine if there is financial activity which conflicts with the household's reported income.

**IRS:** Request for IRS Returns or W-2's may be required.

**Verification of Credit:** In cases where the financial activity conflicts with file data, a Verification of Credit form may be mailed to the creditor in order to determine the unreported income source.

**Employers and Former Employers:** Employers or former employers may be contacted to verify wages, which may have been previously undisclosed or misreported.

**Neighbors/Witnesses:** Neighbors and/or other witnesses may be interviewed who are believed to have direct or indirect knowledge of facts pertaining to the LACDA's review.

**Field Investigation:** Field Investigators may be utilized to gather additional information as determined by the LACDA.

**Other Agencies:** Investigators, caseworkers or representatives of other benefit agencies may be contacted.

**Public Records:** If relevant, the LACDA will review public records kept in any jurisdictional courthouse or county recorder's office. Examples of public records which may be checked are real estate, marriage, divorce, uniform commercial code financing statements, voter registration, judgments, court or police records, state wage records, utility records, school records, and postal records.

**Consult Fraud Analyst:** The site management staff may schedule a consultation meeting to discuss the preliminary findings and seek further guidance.

**Interviews with Head of Household or Family Members:** The LACDA will discuss the allegation (or details thereof) with the head of household or family member by scheduling an appointment at the site office with the Property Manager. In certain circumstances, the designated LACDA Fraud Analyst may assist during the interview. The LACDA intends to conduct such interviews with a high standard of courtesy and professionalism, avoiding inflammatory language, accusations, or unprofessional conduct or language. If necessary, an additional staff person may attend such interviews.

Documents and other evidence obtained by the LACDA during the course of an investigation will be considered "work product" and will be stored in the resident's file upon completion of the investigation. Such cases under review will not be discussed among the LACDA staff unless they are involved in the process, or have information, which may assist in the investigation.

At the conclusion of the fraud review, the findings will be reported to the Property Manager and/or Area Manager. It will then be determined whether a violation has or has not occurred, or if the facts are inconclusive. In any event, the LACDA staff and/or Fraud Analyst will document the resident file of his/her fraud investigation by providing a memorandum including proposed course of action (i.e., enter into a repayment agreement, counseling, or seek termination of housing assistance).

For each investigation the LACDA will determine (1) whether an error or program abuse has occurred, (2) whether any amount of money is owed the LACDA, and (3) what corrective measures or penalties will be assessed.

When the LACDA has established that material misrepresentation(s) have occurred, a Resident Conference may be scheduled with the family which may include a representative, the Property Manager and/or the staff person most knowledgeable about the circumstances of the case. In the event that a conference is scheduled, an appointment letter confirming the Resident Conference date may include a checklist of documents and/or information for the resident to bring to the mandatory meeting.

The purpose of such conference is to review the information and evidence obtained with the resident and to provide the resident an opportunity to explain any document findings which conflict with representations in the resident file. Any documents or mitigating circumstances presented by the resident will be taken into consideration by the LACDA. The resident will be given ten (10) calendar days commencing from the conclusion of the Resident Conference to furnish any mitigating evidence.

A secondary purpose of the Resident Conference is to assist the LACDA in determining the course of action most appropriate for the case. Prior to the final determination of the proposed action, the following will be considered:

- The duration of the violation and number of false statements.

- The resident's ability to understand the rules.

- The resident's willingness to cooperate and accept responsibility for his/her actions.

- The amount of underreported income (i.e., money due to the LACDA).

- The resident's past history.

## **Consideration of Remedies**

All errors and instances of program abuse must be corrected prospectively. Whether the LACDA will enforce other corrective actions and penalties depends upon the nature of the error or program abuse.

### LACDA Policy

In the case of family-caused errors or program abuse, the LACDA will take into consideration (1) the seriousness of the offense and the extent of participation or culpability of individual family members, (2) any special circumstances surrounding the case, (3) any mitigating circumstances related to the disability of a family member, (4) the effects of a particular remedy on family members who were not involved in the offense.

The LACDA staff and/or Fraud Analyst will document the resident file of his/her fraud investigation by providing a memorandum including proposed course of action (i.e., enter into a repayment agreement, counseling, or seek termination of housing assistance).

If it is determined that a program violation has occurred, the Property Manager will review the facts to determine:

- The type of violation (noncompliance, fraud).
- Whether the violation was intentional or unintentional.
- What amount of money (if any) is owed by the resident.
- If the household is eligible for continued occupancy.

Once a program violation has been documented, the Property Manager will propose the most appropriate remedy based upon the type and severity of the violation.

## **Notice and Appeals**

### LACDA Policy

The LACDA will inform the relevant party in writing of its findings and remedies within 10 business days of the conclusion of the investigation.

A Notification of Underpaid Rent will be issues which will contain the following:

- A description of the violation and the date(s).
- Any amounts owed to the LACDA.
- A ten (10) calendar day written response period.

The right to disagree and to request an informal conference with instructions for the request of such conference in compliance with the grievance policy established in the ACOP.

If the resident fails to comply with the notice, and a material provision of the lease has been violated, termination of tenancy may be initiated.

If the resident complies with the notice, the Property Manager responsible will meet with him/her to discuss and explain the obligation or lease

provision which was violated. The Property Manager will complete a counseling report, give one copy to the family, and retain a copy in the resident file.

## **PART II: CORRECTIVE MEASURES AND PENALTIES**

### **15-II.A. UNDER- OR OVERPAYMENT**

An under- or overpayment includes an incorrect resident rent payment by the family, or an incorrect utility reimbursement to a family.

#### **Corrections**

Whether the incorrect rental determination is an overpayment or underpayment, the LACDA must promptly correct the resident rent and any utility reimbursement prospectively.

#### LACDA Policy

Increases in the resident rent will be implemented on the first of the month following a written 30- day notice.

Any decreases in resident rent will become effective the first of the month following the discovery of the error.

#### **Reimbursement**

Whether the family is required to reimburse the LACDA or the LACDA is required to reimburse the family depends upon which party is responsible for the incorrect payment and whether the action taken was an error or program abuse. Policies regarding reimbursement are discussed in the three sections that follow.

## **15-II.B. FAMILY-CAUSED ERRORS AND PROGRAM ABUSE**

General administrative requirements for participating in the program are discussed throughout the ACOP. This section deals specifically with errors and program abuse by family members.

An incorrect rent determination caused by a family generally would be the result of incorrect reporting of family composition, income, assets, or expenses, but also would include instances in which the family knowingly allows the LACDA to use incorrect information provided by a third party.

### **Family Reimbursement to LACDA**

#### LACDA Policy

In the case of family-caused errors or program abuse, including but not limited to failure to report income and asset changes in a timely manner, the family will be required to repay any amounts of rent underpaid. The LACDA may, but is not required to, offer the family a repayment agreement in accordance with Chapter 16. If the family fails to repay the amount owed, the LACDA will terminate the family's lease in accordance with the policies in Chapter 13.

### **LACDA Reimbursement to Family**

#### LACDA Policy

The LACDA will not reimburse the family for any overpayment of rent when the overpayment clearly is caused by the family.

### **Prohibited Actions**

An applicant or resident in the public housing program must not knowingly:

- Make a false statement to the LACDA [Title 18 U.S.C. Section 1001].
- Provide incomplete or false information to the LACDA [24 CFR 960.259(a)(4)].
- Commit fraud, or make false statements in connection with an application for assistance, or with reexamination of income [24 CFR 966.4(l)(2)(iii)(C)].

#### LACDA Policy

Any of the following will be considered evidence or willful intent of the family to conduct program abuse:

Offering bribes or illegal gratuities to the LACDA Board of Commissioners, employees, contractors, or other LACDA representatives.

Offering payments or other incentives to a third party as an inducement for the third party to make false or misleading statements to the LACDA on the family's behalf.

Use of a false name or the use of falsified, forged, or altered documents (e.g., providing false name or Social Security Number).

Intentional misreporting of family information or circumstances (e.g., misreporting of income or family composition).

Omitted facts that were obviously known by a family member (e.g., not reporting employment income).

Admission of program abuse by an adult family member.

An act done repeatedly.

That the resident uttered and certified to statements at a rent (re)determination which were later independently verified to be false.

The LACDA may determine other actions to be program abuse based upon a preponderance of the evidence, as defined earlier in this chapter.

### **Penalties for Program Abuse**

In the case of program abuse caused by a family the LACDA may, at its discretion, impose any of the following remedies.

- The LACDA may require the family to repay any amounts owed to the program (see 15-II.B., Family Reimbursement to LACDA).
- The LACDA may require, as a condition of receiving or continuing assistance, that a culpable family member not reside in the unit. See policies in Chapter 3 (for applicants) and Chapter 13 (for residents).
- The LACDA may deny admission or terminate the family's lease following the policies set forth in Chapter 3 and Chapter 13 respectively.
- The LACDA may refer the family for State or Federal criminal prosecution as described in section 15-II.D.

In all cases of misrepresentations involving efforts to recover monies owed, the LACDA may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:

- The LACDA may pursue Civil remedies by (1) terminating tenancy and demand payment of restitution in full; (2) terminating assistance and execute an administrative repayment agreement in accordance with the LACDA's Repayment Policy; (3) terminating assistance and/or pursue restitution through civil litigation; (4) terminating assistance and seek recovery through tax refunds and/or garnishment of wages or other forms of collection; (5) continue assistance and issue the resident a Notice of Rent Adjustment with the correct resident rent payment amount, and demand restitution due 30-Days from the date of the notice; or (6) permit continued assistance with the correct resident rent amount and execute an Administrative Repayment Agreement in accordance with the LACDA's Repayment Policy.
- The LACDA may refer the case to other enforcement agencies if it believes the case meets the criteria established by the LACDA for prosecution.
- The LACDA may terminate a public housing tenancy for a material breach of the lease for discovery of materially false statements or fraud, including but not limited to misrepresentation of facts, omitted pertinent information, or failure to inform Management of information it requires for an annual recertification or interim adjustments, by the resident or family member in connection with an application for assistance, with re-certification, or reexamination of income.

## **15-II.C. LACDA-CAUSED ERRORS OR PROGRAM ABUSE**

The responsibilities and expectations of LACDA staff with respect to normal program administration are discussed throughout the ACOP. This section specifically addresses actions of a LACDA staff member that are considered errors or program abuse related to the public housing program. Additional standards of conduct may be provided in the LACDA personnel policy.

LACDA-caused incorrect rental determinations include (1) failing to correctly apply public housing rules regarding family composition, income, assets, and expenses, and (2) errors in calculation.

### **De Minimis Errors [24 CFR 5.609(c)(4); Notice PIH 2023-27]**

The LACDA will not be considered out of compliance when making annual income determinations solely due to de minimis errors in calculating family income. A de minimis error is an error where the LACDA determination of family income deviates from the correct income determination by no more than \$30 per month in monthly adjusted income (\$360 in annual adjusted income) per family.

LACDAs must take corrective action to credit or repay a family if the family was overcharged rent, including when LACDAs make de minimis errors in the income determination. Families will not be required to repay the LACDA in instances where the LACDA miscalculated income resulting in a family being undercharged for rent. LACDAs state in their policies how they will repay or credit a family the amount they were overcharged as a result of the LACDA's de minimis error in income determination.

#### LACDA Policy

The LACDA will reimburse a family for any family overpayment of rent, regardless of whether the overpayment was the result of staff-caused error, staff program abuse, or a de minimis error. The overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

## **Prohibited Activities**

### LACDA Policy

Any of the following will be considered evidence of program abuse by LACDA staff:

Failing to comply with any public housing program requirements for personal gain

Failing to comply with any public housing program requirements as a result of a conflict-of-interest relationship with any applicant or resident

Seeking or accepting anything of material value from applicants, residents, vendors, contractors, or other persons who provide services or materials to the LACDA

Disclosing confidential or proprietary information to outside parties

Gaining profit as a result of insider knowledge of LACDA activities, policies, or practices

Misappropriating or misusing public housing funds

Destroying, concealing, removing, or inappropriately using any records related to the public housing program

Committing any other corrupt or criminal act in connection with any federal housing program

Committing sexual harassment or other harassment based on race, color, religion, national origin, familial status, disability, sexual orientation, or gender identity, either quid pro quo (supervisory harassment) or hostile environment

Allowing sexual harassment or other harassment based on race, color, religion, national origin, familial status, disability, sexual orientation, or gender identity, either quid pro quo (supervisory harassment) or hostile environment, where the LACDA knew or should have known such harassment was occurring

Retaliating against any applicant, resident, or staff reporting sexual harassment or other harassment based on race, color, religion, national origin, familial status, disability, sexual orientation, or gender identity, either quid pro quo (supervisory harassment) or hostile environment

## **15-II.D. CRIMINAL PROSECUTION**

### LACDA Policy

When the LACDA determines that program abuse by a family or LACDA staff member has occurred and the amount of underpaid rent meets or exceeds the threshold for prosecution under local or state law, the LACDA will refer the matter to the appropriate entity for prosecution. When the amount of underpaid rent meets or exceeds the federal threshold, the case will also be referred to the HUD Office of Inspector General (OIG).

Other criminal violations related to the public housing program will be referred to the appropriate local, state, or federal entity.

## **15-II.E. FRAUD AND PROGRAM ABUSE RECOVERIES**

LACDAs who enter into a repayment agreement with a family to collect rent owed, initiate litigation against the family to recover rent owed, or begin eviction proceedings against a family may retain 100 percent of program funds that the LACDA recovers [Notice PIH 2007-27 (HA)].

If the LACDA does none of the above, all amounts that constitute an underpayment of rent must be returned to HUD.

The family must be afforded the opportunity for a hearing through the LACDA's grievance process.



## **GLOSSARY**

### **A. ACRONYMS USED IN PUBLIC HOUSING**

<b>ACC</b>	Annual contributions contract
<b>ACOP</b>	Admissions and continued occupancy policy
<b>ADA</b>	Americans with Disabilities Act of 1990
<b>AIDS</b>	Acquired immune deficiency syndrome
<b>AMI</b>	Area median income
<b>AMP</b>	Asset management project
<b>BR</b>	Bedroom
<b>CDBG</b>	Community Development Block Grant (Program)
<b>CFP</b>	Capital fund program
<b>CFR</b>	Code of Federal Regulations (published federal rules that define and implement laws; commonly referred to as “the regulations”)
<b>COCC</b>	Central office cost center
<b>CPI</b>	Consumer price index (published monthly by the Department of Labor as an inflation indicator)
<b>EIV</b>	Enterprise Income Verification
<b>FDIC</b>	Federal Deposit Insurance Corporation
<b>FHA</b>	Federal Housing Administration (HUD Office of Housing)
<b>FHEO</b>	Fair Housing and Equal Opportunity (HUD Office of)
<b>FICA</b>	Federal Insurance Contributions Act (established Social Security taxes)
<b>FMR</b>	Fair market rent
<b>FR</b>	Federal Register
<b>FSS</b>	Family Self-Sufficiency (Program)
<b>FY</b>	Fiscal year
<b>FYE</b>	Fiscal year end
<b>GAO</b>	Government Accountability Office

<b>HA</b>	Housing authority or housing agency
<b>HCV</b>	Housing choice voucher
<b>HIP</b>	Housing Information Portal
<b>HOPE VI</b>	Revitalization of Severely Distressed Public Housing Program
<b>HOTMA</b>	Housing Opportunity through Modernization Act of 2016
<b>HUD</b>	Department of Housing and Urban Development
<b>HUDCLIPS</b>	HUD Client Information and Policy System
<b>IPA</b>	Independent public accountant
<b>IRA</b>	Individual retirement account
<b>IRS</b>	Internal Revenue Service
<b>IVT</b>	Income Validation Tool
<b>JTPA</b>	Job Training Partnership Act
<b>LBP</b>	Lead-based paint
<b>LEP</b>	Limited English proficiency
<b>LIHTC</b>	Low-income housing tax credit
<b>MTW</b>	Moving to Work
<b>NOFA</b>	Notice of funding availability
<b>NSPIRE</b>	National Standards for the Physical Inspection of Real Estate
<b>OGC</b>	HUD's Office of General Counsel
<b>OIG</b>	HUD's Office of Inspector General
<b>OMB</b>	Office of Management and Budget
<b>PASS</b>	Plan to Achieve Self-Support
<b>PHA</b>	Public housing agency
<b>PHAS</b>	Public Housing Assessment System
<b>PIH</b>	(HUD Office of) Public and Indian Housing
<b>QC</b>	Quality control
<b>QHWRA</b>	Quality Housing and Work Responsibility Act of 1998 (also known as the Public Housing Reform Act)

<b>RAD</b>	Rental Assistance Demonstration Program
<b>REAC</b>	(HUD) Real Estate Assessment Center
<b>RFP</b>	Request for proposals
<b>RIGI</b>	Regional inspector general for investigation (handles fraud and program abuse matters for HUD at the regional office level)
<b>ROSS</b>	Resident Opportunity and Supportive Services
<b>SSA</b>	Social Security Administration
<b>SSI</b>	Supplemental security income
<b>SWICA</b>	State wage information collection agency
<b>TANF</b>	Temporary assistance for needy families
<b>TR</b>	Tenant rent
<b>TTP</b>	Total tenant payment
<b>UA</b>	Utility allowance
<b>UFAS</b>	Uniform Federal Accessibility Standards
<b>UIV</b>	Upfront income verification
<b>URP</b>	Utility reimbursement payment
<b>VAWA</b>	Violence Against Women Act
<b>VCA</b>	Voluntary Compliance Agreement

## **B. GLOSSARY OF PUBLIC HOUSING TERMS**

***Accessible.*** The facility or portion of the facility can be approached, entered, and used by persons with disabilities.

***Adjusted income.*** Annual income (as determined under 24 CFR 5.609), of the members of the family residing or intending to reside in the dwelling unit less allowable HUD deductions and allowances.

***Affiliated individual.*** With respect to an individual, a spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in loco parentis (in the position or place of a parent), or any individual, tenant, or lawful occupant living in the household of the victim of domestic violence, dating violence, sexual assault, or stalking.

***Alternative non-public housing rent.*** A monthly rent equal to the greater of:

- The applicable fair market rent, as defined in 24 CFR part 888, subpart A, for the unit; or
- The amount of the monthly subsidy provided for the unit, which will be determined by adding the per unit assistance provided to a public housing property as calculated through the applicable formulas for the Public Housing Capital Fund and Public Housing Operating Fund.

***Annual contributions contract (ACC).*** The written contract between HUD and a PHA under which HUD agrees to provide funding for a program under the 1937 Act, and the PHA agrees to comply with HUD requirements for the program.

***Applicant (applicant family).*** A family that has applied for admission to a program but is not yet a participant in the program.

***As-paid states.*** States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

***Assets.*** (See *net family assets*.)

***Auxiliary aids.*** Services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities receiving federal financial assistance.

***Bifurcate.*** With respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

***Ceiling rent.*** The highest rent amount the PHA will require a family to pay, for a particular unit size, when the family is paying an income-based rent.

***Child.*** A member of the family other than the family head or spouse who is under 18 years of age.

**Child care expenses.** Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further their education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

**Citizen.** A citizen or national of the United States.

**Cohead.** An individual in the household who is equally responsible for the lease with the head of household. A family may have a cohead or spouse but not both. A cohead never qualifies as a dependent. The cohead must have legal capacity to enter into a lease.

**Consent form.** Any consent form approved by HUD to be signed by assistance applicants and participants to obtain income information from employers and SWICAs; return information from the Social Security Administration (including wages, net earnings from self-employment, and retirement income); and return information for unearned income from the IRS. Consent forms expire after a certain time and may authorize the collection of other information to determine eligibility or level of benefits.

**Covered families.** Statutory term for families who are required to participate in a welfare agency economic self-sufficiency program and who may be subject to a welfare benefit sanction for noncompliance with this obligation. Includes families who receive welfare assistance or other public assistance under a program for which federal, state, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for the assistance.

**Dating violence.** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

**Day laborer.** An individual hired and paid one day at a time without an agreement that the individual will be hired or work again in the future.

**Dependent.** A member of the family (which excludes foster children and foster adults) other than the family head or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student.

**Dependent child.** In the context of the student eligibility restrictions, a dependent child of a student enrolled in an institution of higher education. The dependent child must also meet the definition of *dependent* as specified above.

**Disability assistance expenses.** Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member, and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

**Disabled family.** A family whose head, cohead, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.

**Disabled person.** See *person with disabilities*.

**Disallowance.** Exclusion from annual income.

**Displaced family.** A family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to federal disaster relief laws.

**Domestic violence.** Felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding, and in the case of victim services, includes the user or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who is:

- The current or former spouse or intimate partner of the victim, or person similarly situated to a spouse or intimate partner of the victim
- A person who is cohabitating or has cohabitated with the victim as a spouse or intimate partner
- A person with whom the victim shares a child in common
- A person who commits acts against a youth or adult victim who is protected from those acts under the domestic or family violence laws of the jurisdiction

**Domicile.** The legal residence of the household head or spouse as determined in accordance with state and local law.

**Drug-related criminal activity.** The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug.

**Earned income.** Income or earnings from wages, tips, salaries, other employee compensation, and net income from self-employment. Earned income does not include any pension or annuity, transfer payments (meaning payments made or income received in which no goods or services are being paid for, such as welfare, Social Security, and governmental subsidies for certain benefits), or any cash or in-kind benefits.

**Economic abuse.** Behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, and manipulation to:

- Restrict a person's access to money, assets, credit, or financial information
- Unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage
- Exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or to whom one has a fiduciary duty

**Economic self-sufficiency program.** Any program designed to encourage, assist, train, or facilitate the economic independence of assisted families, or to provide work for such families. Can include job training, employment counseling, work placement, basic skills training, education, English proficiency, Workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as treatment for drug abuse or mental health treatment). Includes any work activities as defined in the Social Security Act (42 U.S.C. 607(d)). Also see 24 CFR 5.603(c).

**Effective date.** The "effective date" of an examination or reexamination refers to: (i) in the case of an examination for admission, the date of initial occupancy and (ii) in the case of reexamination of an existing tenant, the date the redetermined rent becomes effective.

**Elderly family.** A family whose head, cohead, spouse, or sole member is a person who is at least 62 years of age; two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides.

**Elderly person.** An individual who is at least 62 years of age.

**Eligible family (Family).** A family that is income eligible and meets the other requirements of the 1937 Act and Part 5 of 24 CFR.

**Employer identification number (EIN).** The nine-digit taxpayer identifying number that is assigned to an individual, trust, estate, partnership, association, company, or corporation.

**Evidence of citizenship or eligible status.** The documents which must be submitted as evidence of citizenship or eligible immigration status. (See 24 CFR 5.508(b).)

**Extremely low-income family.** A family whose annual income does not exceed the federal poverty level or 30 percent of the median income for the area as determined by HUD, whichever number is higher, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30 percent of median income if HUD finds such variations are necessary due to unusually high or low family incomes. (See 24 CFR 5.603.)

**Facility.** All or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock, or other real or personal property or interest in the property.

**Fair Housing Act.** Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

**Fair market rent (FMR).** The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe, and sanitary rental housing of modest (non-luxury) nature with suitable amenities. See periodic publications in the *Federal Register* in accordance with 24 CFR Part 888.

**Family.** Includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status, and can be further defined in PHA policy.

- A single person, who may be:
  - o An elderly person, displaced person, disabled person, near-elderly person, or any other single person;
  - o An otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age and who has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5)(H)), and is homeless or is at risk of becoming homeless at age 16 or older; or
- A group of persons residing together, and such group includes, but is not limited to:
  - o A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
  - o An elderly family;
  - o A near-elderly family;
  - o A disabled family;
  - o A displaced family; and
  - o The remaining member of a tenant family.

**Family self-sufficiency program (FSS program).** The program established by a PHA within its jurisdiction to promote self-sufficiency among participating families, including the coordination of supportive services to these families (24 CFR 984.103).

**Federal agency.** A department of the executive branch of the federal government.

**Flat rent.** Rent that is based on the market rent charged for comparable units in the private unassisted rental market, set at no less than 80 percent of the current fair market rent (FMR), 80 percent of the small area fair market rent (SAFMR), or 80 percent of the unadjusted rent, with utility allowances applied as necessary. The unadjusted rent is the FMR estimated directly from source data that HUD uses to calculate FMRs in nonmetropolitan areas.

**Foster adult.** A member of the household who is 18 years of age or older and meets the definition of a foster adult under State law. In general, a foster adult is a person who is 18 years of age or older, is unable to live independently due to a debilitating physical or mental condition and is placed with the family by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

**Foster child.** A member of the household who meets the definition of a foster child under State law. In general, a foster child is placed with the family by an authorized placement agency (e.g., public child welfare agency) or by judgment, decree, or other order of any court of competent jurisdiction.

**Foster child care payment.** A payment to eligible households by state, local, or private agencies appointed by the state to administer payments for the care of foster children.

**Full-time student.** A person who is attending school or vocational training on a full-time basis (carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended). (See 24 CFR 5.603)

**Gender identity.** Actual or perceived gender-related characteristics.

**Handicap.** Any condition or characteristic that renders a person an individual with handicaps. (See *person with disabilities*.)

**Head of household.** The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

**Health and medical care expenses.** Health and medical care expenses are any costs incurred in the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed.

**Household.** A household includes additional people other than the family who, with the PHA's permission, live in an assisted unit, such as live-in aides, foster children, and foster adults.

**Housing agency (HA).** See *public housing agency*.

**HUD.** The U.S. Department of Housing and Urban Development.

**Human trafficking.** A crime involving the exploitation of a person for labor, services, or commercial sex. The Trafficking Victims Protection Act of 2000 and its subsequent reauthorizations recognize and define two primary forms of human trafficking:

- Sex trafficking is the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age. See 22 U.S.C. § 7102(11)(A).
- Forced labor is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. See 22 U.S.C. § 7102(11)(B).

**Imputed asset.** An asset disposed of for less than fair market value during the two years preceding examination or reexamination.

**Imputed asset income.** When the value of net family assets exceeds \$50,000 and the actual returns from a given asset cannot be calculated, imputed returns on the asset based on the current passbook savings rate, as determined by HUD.

**Imputed welfare income.** An amount of annual income that is not actually received by a family as a result of a specified welfare benefit reduction but is included in the family's annual income and therefore reflected in the family's rental contribution.

**Income-based rent.** A tenant rent that is based on the family's income and the PHA's rent policies for determination of such rents.

**Income information** means information relating to an individual's income, including:

- All employment income information known to current or previous employers or other income sources
- All information about wages, as defined in the state's unemployment compensation law, including any social security number; name of the employee; quarterly wages of the employee; and the name, full address, telephone number, and, when known, employer identification number of an employer reporting wages under a state unemployment compensation law
- Whether an individual is receiving, has received, or has applied for unemployment compensation, and the amount and the period received
- Unearned IRS income and self-employment wages and retirement income
- Wage, social security, and supplemental security income data obtained from the Social Security Administration.

***Income Validation Tool (IVT)*** Accessible through HUD's EIV system, provides validation of tenant reported wages, unemployment compensation, and Social Security benefits by comparing the income reported in IMS-PIC via form HUD-50058 to information received from the Department of Health and Human Services' (HHS) National Directory of New Hires (NDNH), and the Social Security Administration (SSA) data sharing agreements.

***Independent contractor.*** An individual who qualifies as an independent contractor instead of an employee in accordance with the Internal Revenue Code Federal income tax requirements and whose earnings are consequently subject to the Self-Employment Tax. In general, an individual is an independent contractor if the payer has the right to control or direct only the result of the work and not what will be done and how it will be done.

***Individual with handicaps.*** See *person with disabilities*.

***Jurisdiction.*** The area in which the PHA has authority under state and local law to administer the program.

***Lease.*** A written agreement between the PHA and a tenant family for the leasing a public housing unit. The lease establishes the legal relationship between the PHA and the tenant family.

***Live-in aide.*** A person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:

- Is determined to be essential to the care and well-being of the persons;
- Is not obligated for the support of the persons; and
- Would not be living in the unit except to provide the necessary supportive services.

***Local preference.*** A preference used by the PHA to select among applicant families.

***Low-income family.*** A family whose income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments for smaller or larger families, except that HUD may establish income limits higher or lower than 80 percent for areas with unusually high or low incomes.

***Minimum rent.*** An amount established by the PHA of zero to \$50.

***Minor.*** A member of the family household other than the family head or spouse, who is under 18 years of age.

***Mixed family.*** A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

***Monthly adjusted income.*** One twelfth of adjusted income.

***Monthly income.*** One twelfth of annual income.

***National.*** A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

***Near-elderly family.*** A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age

but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.

**Net family assets.** (1) Net family assets is the net cash value of all assets owned by the family, after deducting reasonable costs that would be incurred in disposing real property, savings, stocks, bonds, and other forms of capital investment. (2) In determining net family assets, PHAs or owners, as applicable, must include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives consideration not measurable in dollar terms. Negative equity in real property or other investments does not prohibit the owner from selling the property or other investments, so negative equity alone would not justify excluding the property or other investments from family assets. (3) Excluded from the calculation of net family assets are: (i) The value of necessary items of personal property; (ii) The combined value of all non-necessary items of personal property if the combined total value does not exceed \$50,000 (which amount will be adjusted by HUD in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers); (iii) The value of any account under a retirement plan recognized as such by the Internal Revenue Service, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals; (iv) The value of real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located; (v) Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a family member being a person with a disability; (vi) The value of any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986, the value of any qualified tuition program under section 529 of such Code, the value of any Achieving a Better Life Experience (ABLE) account authorized under Section 529A of such Code, and the value of any “baby bond” account created, authorized, or funded by Federal, State, or local government. (vii) Interests in Indian trust land; (viii) Equity in a manufactured home where the family receives assistance under 24 CFR part 982; (ix) Equity in property under the Homeownership Option for which a family receives assistance under 24 CFR part 982; (x) Family Self-Sufficiency Accounts; and (xi) Federal tax refunds or refundable tax credits for a period of 12 months after receipt by the family. (4) In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the trust fund is not a family asset and the value of the trust is not included in the calculation of net family assets, so long as the fund continues to be held in a trust that is not revocable by, or under the control of, any member of the family or household.

**Noncitizen.** A person who is neither a citizen nor national of the United States.

**Non-public housing over-income family.** A family whose income exceeds the over-income limit for 24 consecutive months and is paying the alternative non-public housing rent.

**Over-income family.** A family whose income exceeds the over-income limit.

**Over-income limit.** The over-income limit is determined by multiplying the applicable income limit for a very low-income family, as defined in 24 CFR 5.603(b), by a factor of 2.4.

**PHA Plan.** The annual plan and the 5-year plan as adopted by the PHA and approved by HUD.

**Participant (participant family).** A family that has been admitted to the PHA program and is currently assisted in the program.

**Person with disabilities.** *For the purposes of program eligibility.* A person who has a disability as defined under the Social Security Act or Developmental Disabilities Care Act, or a person who has a physical or mental impairment expected to be of long and indefinite duration and whose ability to live independently is substantially impeded by that impairment but could be improved by more suitable housing conditions. This includes persons with AIDS or conditions arising from AIDS but excludes persons whose disability is based solely on drug or alcohol dependence. *For the purposes of reasonable accommodation.* A person with a physical or mental impairment that substantially limits one or more major life activities, a person regarded as having such an impairment, or a person with a record of such an impairment.

**Premises.** The building or complex in which the dwelling unit is located, including common areas and grounds.

**Previously unemployed.** With regard to the earned income disallowance, a person who has earned, in the 12 months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

**Public assistance.** Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by federal, state, or local governments.

**Public housing agency (PHA).** Any state, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act.

**Real property.** Has the same meaning as that provided under the law of the State in which the property is located.

**Reasonable accommodation.** A change, exception, or adjustment to a rule, policy, practice, or service to allow a person with disabilities to fully access the PHA's programs or services.

**Recertification.** Sometimes called *reexamination*. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported.

**Remaining member of the tenant family.** The person left in assisted housing who may or may not normally qualify for assistance on their own circumstances (i.e., an elderly spouse dies, leaving widow age 47 who is not disabled).

**Residency preference.** A PHA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area (See *residency preference area*).

**Residency preference area.** The specified area where families must reside to qualify for a residency preference.

***Responsible entity.*** For the public housing program, the PHA administering the program under an ACC with HUD.

***Secretary.*** The Secretary of Housing and Urban Development.

**Seasonal worker.** An individual who is hired into a short-term position and the employment begins about the same time each year (such as summer or winter). Typically, the individual is hired to address seasonal demands that arise for the particular employer or industry.

**Section 8.** Section 8 of the United States Housing Act of 1937; refers to the housing choice voucher program.

**Security deposit.** A dollar amount (maximum set according to the regulations) which can be used for unpaid rent or damages to the PHA upon termination of the lease.

**Sexual assault.** Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent (42 U.S.C. 13925(a))

**Sexual orientation.** Homosexuality, heterosexuality or bisexuality.

**Single person.** A person living alone or intending to live alone.

**Social security number (SSN).** The nine-digit number that is assigned to a person by the Social Security Administration and that identifies the record of the person's earnings reported to the Social Security Administration. The term does not include a number with a letter as a suffix that is used to identify an auxiliary beneficiary.

**Specified welfare benefit reduction.** Those reductions of welfare benefits (for a covered family) that may not result in a reduction of the family rental contribution. A reduction of welfare benefits because of fraud in connection with the welfare program, or because of welfare sanction due to noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

**Spouse.** The marriage partner of the head of household.

**Stalking.** To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

**State wage information collection agency (SWICA).** The state agency, including any Indian tribal agency, receiving quarterly wage reports from employers in the state, or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information.

**Technological abuse.** An act or pattern of behavior that occurs within domestic violence, dating violence, sexual assault, or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor another person, except as otherwise permitted by law, that occurs using any form of technology, including but not limited to:

- Internet enabled devices
- Online spaces and platforms
- Computers
- Mobile devices
- Cameras and imaging programs
- Apps
- Location tracking devices
- Communication technologies
- Any other emergency technologies

**Tenant.** The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

**Tenant rent.** The amount payable monthly by the family as rent to the PHA.

**Total tenant payment (TTP).** The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

**Unearned income.** Any annual income, as calculated under § 5.609, that is not earned income.

**Utilities.** Water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection, and sewage services. Telephone service is not included.

**Utility allowance.** If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

**Utility reimbursement.** The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment (TTP) for the family occupying the unit.

**Veteran.** A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released therefrom under conditions other than dishonorable.

**Violence Against Women Act (VAWA).** Prohibits denying admission to, denying assistance under, or evicting from a public housing unit an otherwise qualified applicant or tenant on the basis that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking.

***Violent criminal activity.*** Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

***Waiting list.*** A list of families organized according to HUD regulations and PHA policy who are waiting for a unit to become available.

***Welfare assistance.*** Income assistance from federal or state welfare programs, including assistance provided under TANF and general assistance. Does not include assistance directed solely to meeting housing expenses, nor programs that provide health care, child care or other services for working families. For the FSS program (24 CFR 984.103), *welfare assistance* includes only cash maintenance payments designed to meet a family's ongoing basic needs. Does not include nonrecurring short term benefits designed to address individual crisis situations, work subsidies, supportive services such as child care and transportation provided to families who are employed, refundable earned income tax credits, contributions to and distributions from Individual Development Accounts under TANF, services such as counseling, case management, peer support, child care information and referral, financial empowerment, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support, amounts solely directed to meeting housing expenses, amounts for health care, Supplemental Nutrition Assistance Program (SNAP) and emergency rental and utilities assistance, SSI, SSDI, or social security, and child-only or non-needy TANF grants made to or on behalf of a dependent child solely on the basis of the child's need and not the need of the child's current non-parental caretaker.





# LACDA

Los Angeles County Development Authority

## ADMINISTRATIVE PLAN

JULY 1, 20243



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## **Housing Opportunities Through Modernization Act of 2016**

The Housing Opportunity Through Modernization Act of 2016 (HOTMA) was enacted on July 29, 2016. Title I of HOTMA contains 14 sections that affect the Public Housing and Section 8 rental assistance programs. On February 14, 2023, a final rule pertaining to Section 102 and 104 were officially published through the Federal Register to implement the broader income and asset changes.

The U.S. Department of Housing and Urban Development (HUD) mandated Public Housing Agencies (PHAs) implement the new rules no later than January 1, 2024. Although the new rules are effective January 1, 2024, HUD has granted the PHAs an operating and compliance period of a year.

For a full comprehensive list of HOTMA official notices and rules, follow the link below:

[https://www.hud.gov/program\\_offices/public\\_indian\\_housing/hotmaresources](https://www.hud.gov/program_offices/public_indian_housing/hotmaresources)

As such, below are the major amended regulations, policies, and/or procedures the LACDA will be working towards operating and being compliant by no later than January 1, 2025.

### **I. New Definitions**

The LACDA's Administrative Plan (section 1.23 Terminology) will now include the following additions:

- 1) Actual Covered Costs. Actual covered costs in student financial assistance are defined as the actual costs of room and board, tuition, books, supplies, and other fees required and charged to a student by the educational institution including supplies and equipment to support students with learning disabilities or other disabilities.
- 2) Annual Income. Annual income includes all amounts, not specifically excluded, received from all sources by each member of the family 18 years or older or is the head of household or spouse of the head of household, plus unearned income by or on behalf of each dependent who is under 18 years of age, and imputed returns on net family assets exceeding \$50,000 (adjusted annually using the CPI-W) when the value of the actual returns from a given asset cannot be calculated. Imputed returns are based on the current passbook savings rate, as determined by HUD.
- 3) Independent Contractor. An individual who qualifies as an independent contractor, instead of an employee, under IRS federal income tax requirements and whose earnings are subject to the self-employment tax.
- 4) Day Laborer. An individual hired and paid one day at a time without an agreement that the individual will be hired or work again in the future.
- 5) Seasonal Worker. An individual who is hired for a short-term position where employment begins about the same time each year. Typically, seasonal workers are hired to address seasonal demands.
- 6) Earned Income. Earned income is defined as income or earnings from wages, tips, salaries, other employee compensation, and net income from self-employment. Earned income does not include pension or annuity, transfer payments (meaning payments made or income received in which no goods or services are being paid for, such as welfare, social security, and governmental subsidies for certain benefits), or any cash or in-kind benefits.
- 7) Foster Child/Adult. Foster children or foster adults are considered members of the household but are not members of the assisted family. The definition is added to specify

that foster adults and children will not be included in the determination of annual income or assets.

- 8) Foster Youth. Foster Youth are defined as youth between the ages of 18 and 24, who have either left foster care or will leave foster care within 90 days, and who are homeless or at risk of becoming homeless at age 16 or older, will be considered “single persons” to clarify their eligibility for assistance.
- 9) Net Family Assets. Net family assets are the net cash value of all assets owned by the family, after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment. The new definition includes the cash value of all family assets with the exception of the expanded and enumerated exclusions.
- 10) Non-recurring Income. Non-recurring income is defined as income that will not be repeated in the coming year based on information provided by the family. Income received as an independent contractor, day laborer, or seasonal worker is not excluded from income under this paragraph, even if the source, date, or amount of the income varies. The term “temporary income” has been replaced by this definition of non-recurring income.
- 11) Health and Medical Care Expenses. Health and medical care expenses are any costs incurred in the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed.
- 12) Suitable for Occupancy. A property will be considered “suitable for occupancy” unless the family demonstrates that:
  - a. It does not meet the disability-related needs for all members of the family,
  - b. It is not sufficient for the size of the family,
  - c. To reside in the property would be a hardship for the family due to its location (e.g., the distance or commuting time between the property and the family’s place of work or school would be a hardship to the family);
  - d. It is unsafe to reside in because of the physical condition of the property (e.g., property’s physical condition poses a risk to the family’s health and safety and the condition of the property cannot be easily remedied); or
  - e. It is not a property that a family may reside in under the State or local laws of the jurisdiction where the property is located.

## **II. Income Inclusions**

Currently, the LACDA’s Administrative Plan lists different sources of income in section 6.4.1 Income Inclusions. Under HUD’s new definition of annual income, the LACDA is now required to include all amounts of annual income unless specifically excluded in section 6.4.2 Income Exclusions.

The LACDA’s Administrative Plan (section 6.4.1 Income Inclusions) will now include the following changes:

Annual income includes all amounts, not specifically excluded, received from all sources by each member of the family 18 years or older or is the head of household or spouse of the head of household, plus unearned income by or on behalf of each dependent who is under 18 years of age, and imputed returns on net family assets exceeding \$50,000 (adjusted annually using the CPI-W) when the value of the actual returns from a given asset cannot be calculated. Imputed returns are based on the current passbook savings rate, as determined by HUD.

## **III. Income Exclusions**

In accordance with HUD's income exclusions, the LACDA's Administrative Plan (section 6.4.2 Income Exclusions) will include the following changes:

The LACDA considers the following to be excluded from the family's annual income, as required by HUD:

- i. Earned income from children under 18 years of age. All other sources of unearned income, except those specifically excluded by the regulations, are included in the family's annual income.
- ii. Earned income in excess of the dependent deduction is excluded for full-time students 18 years of age or older (and are not the head of household, spouse, or co-head). All other sources of unearned income, except those specifically excluded by the regulations, are included in the family's annual income.
- iii. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
- iv. The low-income subsidy (extra help) received to assist low-income persons in paying for their Medicare Prescription Drug Plan cost.
- v. Payments received for the care of foster children or adults, including State kinship, guardianship care payments, or tribal kinship payments.
- vi. Income from all sources (both earned and unearned) is excluded for foster children and foster adults.
- vii. Income from all sources (both earned and unearned) is excluded for live-in aides.
- viii. Any amount in or from, or any benefits, income, or distributions from, any Coverdell educational savings account of any or qualified tuition program under IRS sections 529 and 530 shall be excluded from income.
- ix. Adoption assistance payments for an adopted child in excess of the amount of the dependent deduction.
- x. Amounts for, or in reimbursement of, health and medical care expenses for any family member.
- xi. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS).
- xii. Incremental earnings and benefits resulting to any family member from participation in training programs funded by HUD or in qualifying Federal, State, Tribal, or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff.
- xiii. Insurance payments and settlements for personal or property loss including, but not limited to payments through health insurance, motor vehicle insurance, and workers' compensation.
- xiv. Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a member of the family having a disability.
- xv. Civil rights settlements or judgments, including settlements or judgments for back pay.
- xvi. Payments received by tribal members from claims relating to the mismanagement of assets held in a trust by the United States, including payments from tribal trust settlements.
- xvii. Reparation payments paid by a foreign government for claims by people persecuted during the Nazi era.
- xviii. Payments related to aid and attendance for veterans under 38 U.S.C. 1521.
- xix. Amounts received by a participant in other publicly assisted programs for or in reimbursement of expenses to allow program participation (e.g., special equipment, clothing transportation, childcare, etc.).

- xx. Resident service stipends of \$200 or less per month for performing a part-time service for the LACDA that enhances the quality of life in the development.
- xxi. Income earned on amounts placed in a family's FSS account.
- xxii. Replacement housing "gap" payments to offset increased rent and utility costs to families displaced from one federally subsidized housing unit to another.
- xxiii. Deferred periodic amounts from Supplemental Security Income and Social Security benefits or Department Veterans Affairs disability benefits that are received in a lump sum amount or prospective monthly amounts.
- xxiv. Refunds or rebates under state or local law for property taxes paid on the dwelling unit.
- xxv. The net amount disbursed by a lender to a borrower under the loan terms (e.g., educational institution or car dealership).
- xxvi. Income received from any account under an IRS-recognized retirement plan. However, any distribution of periodic payments from these accounts shall be income at the time they are received by the family. Retirement accounts include individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals.
- xxvii. Payment made by an authorized state Medicaid managed care system or other state agency to a family to enable a family member to live in the family's assisted unit.
- xxviii. Nonrecurring Income. Income received as an independent contractor, day laborer, or seasonal worker is not excluded from income, even if the source, date, or amount of the income varies. Examples of nonrecurring income include:
  - 1. Payments from the U.S. Census Bureau for employment (relating to the decennial census or the American Community Survey) lasting no longer than 180 days and not culminating in permanent employment.
  - 2. Direct Federal or State payments intended for economic stimulus or recovery.
  - 3. Amounts directly received by the family as a result of State refundable tax credits or State tax refunds at the time they are received.
  - 4. Amounts directly received by the family as a result of Federal refundable tax credits and Federal tax refunds at the time they are received.
  - 5. Gifts for holidays, birthdays, or other significant life events or milestones (e.g., wedding gifts, baby showers, anniversaries).
  - 6. Non-monetary, in-kind donations, such as food, clothing, or toiletries, received from a food bank or similar organization.
  - 7. Lump-sum additions to net family assets, including but not limited to lottery or other contest winnings.
  - 8. LACDA Discretionary Income Exclusion: Research-related supplemental cash payments that are similar to Universal Basic Income (UBI), known in California as Guaranteed Income Pilot or Guaranteed Income Program, in such that a specific household is given a monthly income supplement to assist with quality-of-life research data. These payments are excluded from income calculations but must be reported at the initial receipt and annually thereafter.
- xxix. Any assistance that Section 479B of the Higher Education Act of 1965 requires to be excluded from a family's annual income, including Bureau of Indian Affairs or Department of Education student assistance programs.
- xxx. Student financial assistance, not excluded under Title IV of the Higher Education Act of 1965, for actual covered costs of higher education.
- xxxi. Income earned by government contributions to, or distributions from, 'baby bond' accounts created, authorized, or funded by federal, state, or local government.

xxxii. Self-Employment Income. Gross income a family member receives through self-employment or operation of a business; except that the following shall be considered income to a family member:

1. Net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations; and
2. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

xxxiii. Irrevocable trust or revocable trust outside of the family or household control. Distributions of the principal, or corpus, of the trust and distributions of income from the trust used to pay the costs of health and medical care expenses for a minor are excluded.

#### **IV. Self-Certification of Net Family Assets Equal to or Less Than \$50,000**

Currently, the LACDA accepts an existing family's self-certification where the family has net assets equal to or less than \$5,000, without taking additional steps to verify the accuracy of the declaration during a reexamination review.

In accordance with HUD, the LACDA will update the current policy to increase the net asset from \$5,000 to \$50,000. The LACDA will accept the family's self-certification stating the amount of income the family expects to receive from such assets equal to or less than \$50,000 and the amount is included in their annual income. This amount is subject to HUD's annual inflationary adjustment in accordance with the CPI.

As a discretionary policy, the LACDA will accept the family's self-certification at admission to the program without taking additional steps to verify the accuracy of the declaration when the family cannot provide third-party verification. The LACDA will require the family to provide third-party generated documents as required by HUD guidance.

#### **V. Net Asset Limitation for Existing Families That Exceed \$100,000**

- 1) Imputed Income from Assets Exceeding \$50,000. If it is possible to calculate actual returns from an asset, the LACDA will use that amount. If it is not possible to calculate an actual return on an asset, the LACDA will impute income from assets based on the current passbook savings rate as determined by HUD when the family has net assets over \$50,000 (adjusted annually for inflation).
- 2) Eligibility Restrictions Due to Family Assets. In accordance with HUD's eligibility restrictions, the LACDA will deny admission or terminate assistance if the family has:
  - i. Net assets that exceed \$100,000. The threshold will be adjusted by HUD annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers.
  - ii. A present ownership interest in, a legal right to reside in, and the effective legal authority to sell, real property that is suitable for occupancy by the family as a residence.

#### **VI. Excluded Assets**

Currently, a limited list of excluded assets is included in the Administrative Plan. HUD has expanded the list of excluded assets to include specifications for exceptions to ownership of real property, retirement accounts recognized by the Internal Revenue Service, and necessary/non-necessary items. In accordance with HUD's income exclusions, the LACDA's Administrative Plan (section 6.5.2) will include the following changes.

- 1) The LACDA considers the following to be excluded from the family's net assets, as required by HUD:
  - i. Interest in Indian trust lands.
  - ii. Necessary items of personal property, such as medical devices or vehicles for commute.
  - iii. Non-necessary items of personal property if the combined total value does not exceed \$50,000. This amount will be adjusted by HUD annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers.
  - iv. Retirement accounts recognized by the Internal Revenue Service, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals.
  - v. The restriction on owning real property does not apply to:
    1. A family that receives assistance for the property under the Housing Choice Voucher Program for:
      - a. Manufactured home
      - b. Homeownership option
    2. Any property that is jointly owned by a member of the family and at least one non-household member who does not live with the family, if the non-household member resides at the jointly owned property,
    3. Any person who is a victim of domestic violence, dating violence, sexual assault, or stalking, as defined by HUD, or
    4. Any family that is offering such property for sale.
    5. If the family does not have the effective legal authority to sell the real property in the jurisdiction in which the property is located, the value of the real property is excluded from annual income.
  - vi. The value of certain education or disability support savings accounts, such as any Coverdell educational savings account or qualified tuition program under IRS sections 529 and 530.
  - vii. Equity in real property where the family receives assistance under 24 CFR § 982.
  - viii. Equity in a manufactured home where the family receives assistance under 24 CFR § 982.
  - ix. Federal tax refunds or refundable credits for a period of 12 months after receipt by the family.
  - x. Trust that is not revocable by, or under the control of, any member of the family or household.

## 2) **Self-Certification of Real Property Ownership**

Currently, the LACDA verifies ownership of Real Property at admissions and annual reexamination through generated third-party verification for purposes of imputing income from assets. Furthermore, the LACDA does not currently have any restrictions for ownership of real property for purposes of admission to the program.

In accordance with HUD, the LACDA will deny admission to the program when a family declares ownership of real property and the property is suitable for occupancy by the

family in accordance with HUD's asset restrictions. However, HUD issued an exception to the restriction against real property when:

- Whether or not the family has the legal right to reside in the property;
- Whether or not the family has the legal authority to sell the property (i.e., due to litigation, fractional ownership, sale, or divorce);
- Whether or not the property is suitable for occupancy by the family as a residence (i.e., unsafe);
- The property is geographically located so that the distance or commuting time between the property and the family's place of work or a family member's educational institution would create a hardship for the family;
- The unit does not meet the disability-related needs for the family; or
- The property is not sufficient for the size of the household.

The LACDA will require third-party generated verification for the reasons noted above for purposes of determining program eligibility.

For victims of domestic violence, dating violence, sexual assault, stalking, as well as verbal, psychological, economic, or technological abuse, that cannot provide the third-party generated the LACDA must accept a self-certification from the family member who is the victim, and the restrictions on requesting documentation apply under § 5.2007.

#### **VIII. Income Deductions**

As required by HUD, the LACDA will comply with the mandatory changes in the allowable deduction amounts. These amounts are subject to an annual inflationary adjustment in accordance with the Consumer Price Index (CPI) and will be rounded to the next lowest multiple of \$25. The changes will be applied to section 6.3 Income Deductions of the Administrative Plan.

The following deductions will be applied in the Total Tenant Rent calculation:

- 1) Dependent Allowance. \$480 each for family members (other than the head, co-head, or spouse), who are minors, and for family members who are 18 and older who are full-time students, or who are disabled. This allowance does not apply to foster children. The amount will be adjusted by HUD annually in accordance with the CPI.
- 2) Elderly Family or Disabled Family Allowance. The deduction for elderly and disabled families has increased to \$525, from \$400. The amount will be adjusted by HUD annually in accordance with the CPI.

#### **IX. Hardship Exemptions for Health/Medical Care Expenses & Reasonable Attendant Care & Auxiliary Apparatus Expenses – General Relief (Hardship)**

Currently, the LACDA does not define financial "Hardship" in relation to Health/Medical Care Expenses & Reasonable Attendant Care & Auxiliary Apparatus expenses. LACDA currently refers to the Internal Revenue Service (IRS) Publication 502 definition for medical, dental expenses, etc., and may be amended from time to time by the IRS.

In accordance with HUD, the LACDA is required to define financial hardship for purposes of granting a relief for a period of 90 calendar days when the family's health/medical and attendant/auxiliary expenses exceed the HUD-mandated thresholds as a result of the change in this regulation.

As a discretionary policy, the LACDA is hereby defining hardship as circumstances limited to the following:

- Circumstances where the family experiences a loss of income and is expected to continue for an undetermined period; or
- Imputed welfare (excluding fraud)

An elderly or disabled family or a family that includes a person with disabilities may request a hardship exemption to the limitations above when the family experiences financial hardship due to the change in this regulation. The LACDA reasonable accommodation processes will apply. On a case-by-case basis, the LACDA may grant an additional 90-day extension, not to exceed 180 days while the family's hardship continues.

It should be noted that in all cases, the family's hardship relief ends when the circumstances that made the family eligible for the financial relief are no longer applicable or after 90 days, whichever comes earlier.

#### **X. Hardship Exemptions for Health/Medical Care Expenses & Reasonable Attendant Care & Auxiliary Apparatus Expenses – Phased-In Relief**

Currently, the LACDA does not have a phased-in relief policy for families with Health/Medical Care, Reasonable Attendant Care, and Auxiliary Apparatus out of pocket expenses that exceed the current three (3) percent threshold of the family's gross annual income to the new mandated ten (10) percent threshold.

In accordance with HUD, the LACDA will increase the current 3 percent to 10 percent and will begin the 24-month phased-in relief for families currently receiving HUD's allowable health/medical deduction for unreimbursed out-of-pocket expenses based on the family's recertification preceding January 1, 2024.

The phase-in relief will commence at the family's next annual or interim reexamination, whichever occurs first after January 1, 2024, as follows:

- 1st twelve months – expenses more than 5% of the family's annual gross income.
- 2<sup>nd</sup> twelve months – expenses more than 7.5% of the family's annual gross income.

At the conclusion of the 24-month phased-in, the ten (10) percent threshold will be applied, and the family will be eligible for this deduction if their expense exceeds the 10 percent threshold.

A family receiving phased-in relief in accordance with HUD's implementation may request in writing a hardship exemption. However, the family will be ineligible to resume the phase-in relief if the hardship exemption is granted.

For new admissions and existing families previously not receiving the allowable deduction will automatically be applied to the mandated ten (10) percent and will not be eligible for the phased-in relief.

The LACDA does not have the authority to establish discretionary policy under this rule.

## **XI. Hardship Exemption to Continue Child Care Expense Deduction**

Currently, HUD's rules and the LACDA's policy allow for a deduction from the family's annual gross income for any reasonable childcare expenses necessary to enable a member of the family to be employed or to further his or her education.

In accordance with HUD, the LACDA must implement a policy that allows a family to request a hardship exemption when the family is no longer eligible for the childcare deduction and expense and is still necessary when the family is no longer employed or furthering his/her education.

As a discretionary policy, the LACDA hereby defines financial hardship as the following circumstances for purposes of determining eligibility for a hardship exemption.

- Temporary loss of income for a period not to exceed 90 calendar days and childcare is still necessary;
- Increase in utility rates;
- Adult family member(s) participating in higher education/vocational training and other adult members in the home are unable to care for the minor(s);
- Expense is necessary to continue the child's enrollment at the childcare facility or in accordance with their childcare contract; or
- Increase in childcare expense and the increase is in excess of 40 percent of the family's annual adjusted income.

The LACDA will require the family to request the financial hardship in writing within 10 calendar days from the loss in deduction, resulting in financial hardship and inability to pay rent.

The LACDA will obtain third-party verification to determine the family's financial hardship resulting in their inability to pay rent. The exemption will be granted for a period of 90 calendar days. The family's hardship exemption ends when the circumstances that made the family eligible for the exemption are no longer applicable or after 90 days, whichever comes earlier.

## **XII. Revocation of Consent Form (Form HUD-9886A)**

Currently, the LACDA must deny or terminate assistance for failure to sign and submit HUD-mandated consent and release forms deemed necessary to allow the LACDA to obtain financial verification to determine the family's initial or continued eligibility.

As required by HUD, the LACDA will add language to its existing policies to align with HUD and HOTMA provisions regarding the revocation of consent forms.

Upon approval from the Office of Management Budget (OMB) of the revised form HUD 9886A, the LACDA will deny admissions or terminate assistance due to the revocation of consent. The LACDA will afford the HOH the opportunity to remove the family member who revokes the consent. If the family member revoking the consent is the HOH, the entire family will be denied admission or terminated.

**XIII. Interim Reexaminations - Decreases in Adjusted Annual Income**

Currently, the LACDA processes interim re-examinations for families that experience a loss or decrease in their income and changes in family composition.

In accordance with HUD, LACDA may decline to conduct an interim recertification of family income if the LACDA estimates that the family's annual adjusted income will decrease by an amount that is less than ten (10) percent or such lower threshold.

As a discretionary policy, the LACDA will not establish a threshold of 10 percent or less. LACDA reaffirms it will continue to exercise its current interim recertification policy for all **decreases** in the family's adjusted income or changes in family composition when a family reports the changes in writing.

**XIV. Interim Reexaminations - Increases in Adjusted Annual Income**

Currently, families are required to report all changes in earned and unearned income, assets, expenses, full-time student status, and family circumstances within 10 calendar days of the date the change takes effect.

In accordance with HUD and as a discretionary policy, the LACDA will require the families to continue reporting as established in section 12.4 Interim Re-Examination of the Administrative Plan. The LACDA will now conduct an interim re-examination when the family's annual adjusted income has changed by an amount that would result in an estimated increase of ten (10) percent or more in annual adjusted income or other amounts established through a HUD notice.

As a discretionary policy, the LACDA will not conduct interim re-examinations if a family reports an increase in income within three (3) months of their next annual reexamination effective date. Instead, the reported change will be processed with the annual reexamination.

**XV. Interim Reexaminations – Reporting Changes And Effective Dates**

- 1) Currently, the LACDA requires that families report any changes in family income and composition in writing within ten (10) calendar days of when the change occurs. Any additional information, necessary documents, or signature needed from the family to verify the change must be provided within 15 calendar days from the date of request.
- 2) In accordance with HUD, the LACDA is required to develop policies when and under what conditions families must report changes in family composition and adjusted income.
- 3) As a discretionary policy, the LACDA requires the families to report their changes in writing within ten (10) calendar days to report the changes in writing from when the changes occur. As required by HUD, the LACDA currently has the following discretionary policies in place that align with the mandated HOTMA changes.
  - i. If the family delays or fails to report changes in family circumstances that result in a decrease in tenant rent, it will be considered untimely reporting. The change will be effective on the first of the month following completion of processing by the LACDA and not retroactively.
  - ii. If the family fails to report the changes in family circumstances and the change results in a rent increase, the family will be issued a 30-day rent increase notice and the LACDA will initiate a retroactive tenant payment agreement to the first of the month following the date of change.

## **XVI. EARNED INCOME DISREGARD (EID)**

Currently, EID is applicable to an eligible adult family member, 18 years of age or older, who either begins earning income or experiences an increase in earned income. The earned income disregard allows the LACDA to exclude the increased (or new) earned income, resulting in an income exclusion, and not counted towards the tenant's rent portion for a period of no more than 24 months.

As required by HUD, EID will be available only to families who are eligible and participating in the program before January 1, 2024. Existing participating families receiving this disallowance will benefit from the EID through the completion of the 24 months from the initial application of the exclusion.

Families eligible to receive the Jobs Plus Earned Income Disregard (JPEID) may continue to receive JPEID benefits and will not be impacted by the final rule, until HUD states otherwise.

## **XVII. Student Financial Assistance**

Currently, the LACDA includes student financial assistance, received in excess of amounts for tuition and any other required fees, in the family's annual income.

HUD has now codified the federally mandated income exclusions related to student financial assistance into two separate categories. Income exclusions for student financial assistance apply to both full-time and part-time students. Any student financial assistance received must be paid directly to the student or the educational institution on the student's behalf.

1. Assistance under section 479B of the Higher Education Act (HEA) of 1965.

Any

family's annual income.

2. Other student financial assistance for tuition, books, and supplies (including supplies and equipment to support students with learning disabilities or other disabilities), room and board, and other fees required and charged to a student by an institution of higher education (as defined under Section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), and, for a student who is not the head of household, co-head, or spouse, the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit.

If the student does not receive any assistance under Title IV of the HEA but does receive assistance as categorized in this subparagraph, the LACDA will:

- a. Calculate actual covered costs.
- b. Subtract the total amount of the student's financial assistance from the student's actual covered costs.
- c. Include any amount of financial assistance in excess of the student's actual covered costs.

Examples of other student financial assistance that would require to be excluded from the family's annual income include:

- d. Any other grant-in-aid, scholarship, or other assistance amounts,
- e. For the actual covered costs charged by the institute of higher education, or

- f. Not otherwise excluded by the Federally mandated income exclusions (i.e., Title IV of the HEA).

**XVIII. ENTERPRISE INCOME VERIFICATION (EIV) USAGE**

In accordance with HUD, the LACDA uses HUD's EIV system in its entirety, in accordance with 24 CFR § 5.233 to reduce the administrative and subsidy payment errors in accordance with HUD guidance. As a discretionary policy, the LACDA continue to use the EIV system in its entirety during interim re-examinations.

**XIX. Determination of Income Using Other Means-Tested Public Assistance (i.e., "Safe Harbor") 24 CFR §§ 5.609(c)(3)**

In accordance with HOTMA, the LACDA may determine a family's annual income, including income from assets, prior to the application of any deductions based on income determinations made within the previous 12-month period, using income determinations from the following types of means-tested federal public assistance programs:

- The Temporary Assistance for Needy Families block grant (42 U.S.C. 601, et seq.).
- Medicaid (42 U.S.C. 1396 et seq.).
- The Supplemental Nutrition Assistance Program (42 U.S.C. 2011 et seq.).
- The Earned Income Tax Credit (26 U.S.C. 32).
- The Low-Income Housing Tax Credit (26 U.S.C. 42).
- The Special Supplemental Nutrition Program for Woman, Infants, and Children (42 U.S.C. 1786).
- Supplemental Security Income (42 U.S.C. 1381 et seq.).
- Other programs administered by the Secretary.
  
- Other means-tested forms of federal public assistance for which HUD has established a memorandum of understanding.
- Other federal benefit determinations made by other means-tested federal programs that the Secretary determines to have comparable reliability and announces through a Federal Register notice.

Discretionary Policy - the LACDA will accept and use determinations of income from the federal means-tested forms of assistance listed above when all documentation requirements below are satisfied. The LACDA will accept and use determinations of income from the federal means-tested forms of assistance listed above during New Admission/Move-Ins, Interim Reexamination, and the Annual Reexaminations. In situations where the family presents multiple verifications from the same or different acceptable Safe Harbor programs, the LACDA will accept the most recent, detailed, and comprehensive income determination provided.

**Third-Party Verification - Required Information**

When the LACDA elects to use the annual income determination from one of the above-listed forms of means-tested federal public assistance, the LACDA must obtain the income information by means of a third-party verification. The third-party verification must state the following:

1. **The family size.** The verification must be for the entire family, i.e., the family members listed in the documentation must match the family's composition in the assisted unit, except for household members), and
2. **The amount of the family's annual income.** The annual income need not be broken down by family member or income type. Annual income includes income earned from assets, therefore when using Safe Harbor to verify a family's income, the LACDA will neither further inquire about a family's net family assets, nor about the income earned from those assets, except with respect to whether or not the family owns assets that exceed the asset limitation in 24 CFR § 5.618.

### **Third Party Verification - Verification Format**

The Safe Harbor verification may be in the form of an award letter from the relevant federal program and must show that the family's income determination was made in the previous 12 months. **Verification will be considered acceptable if the documentation meets the criteria that the income determination was made within the 12 months prior to the receipt of the receipt of the verification by the LACDA. This satisfies all verification date requirements for Safe Harbor income determinations.**

The Safe Harbor documentation will be considered acceptable if any of the following dates fall into the 12-month period prior to the receipt of the documentation by the LACDA:

- Income determination effective date;
- Program administrator's signature date;
- Family's signature date;
- Report effective date; or
- Other report-specific dates that verify the income determination date.

The only information that the LACDA is permitted to use to determine income under this Safe Harbor is the total income determination made by the federal means-test program administrator. Other federal programs may provide additional information about income inclusions and exclusions in their award letters; however, these determinations and any other information **must not** be considered by the LACDA for purposes of the HOTMA Safe Harbor provision. The LACDA is not permitted to mix and match Safe Harbor income determinations and other income verifications.

The amounts of unreimbursed reasonable attendant care expenses and child-care expenses deducted from a family's annual income, except for when a family is approved for a child-care expense hardship exemption, must still be capped by the amount earned by any family member who is enabled to work as a result of the expense. The LACDA will therefore be required to obtain third-party verification of the applicable employment income and cap the respective expense deductions accordingly.

It is anticipated that in many cases families will provide the LACDA with the Safe Harbor third-party verification for the purpose of reexamination, rather than the LACDA mailing a verification form to the third party to complete.

When the LACDA does not accept Safe Harbor documentation, is unable to obtain Safe Harbor documentation, or if the family disputes the other program's income determination, the LACDA must calculate the family's annual income using the methods established in § 5.609(c)(1) and (2).

If the LACDA uses a Safe Harbor determination to determine the family's income for an income examination (New Admission/Move Ins, Interim Reexamination, or Annual Reexamination), then the family is obligated to report changes in income that meet the reporting requirement and occur after the effective date of the LACDA's transaction. This might mean that a certain source of income was not considered in the family's income, because the other program does not consider the source to be income.

For example, if the family begins receiving a new source of income on 2/1/2024 and the LACDA completed an annual reexamination effective 3/1/2024 using a Safe Harbor income determination, then the family does not need to report that change in income. If the family has a change in adjusted income in accordance with HUD's rules that occurs after 3/1/2024, when the Annual Reexamination was effective, then the family must report the change to the PHA/MFH Owner.

## **XX. DE MINIMIS ERRORS IN INCOME DETERMINATIONS**

In accordance with HUD, the LACDA must take corrective action to credit or repay a family if the family was overcharged tenant rent because of de minimis errors in calculating family income. However, the LACDA must not implement local policies to require a family to repay in instances resulting in a family being undercharged for rent when the PHA miscalculated the family's income.

De minimis is defined as a PHA calculation error of \$30 or less of the family's monthly adjusted income (or \$360 in annual adjusted income). The provision enables the LACDA to make a de minimis error income determination on a family-by-family basis rather than having HUD conduct a full portfolio review if the LACDA exceeds the threshold.

As required by HUD, under corrective action, the LACDA will grant the family credit toward future rents when it is discovered that there is a rent overcharge due to an administrative error calculation. The family is issued a credit retroactively to the effective date of the action when the error was made, regardless of the dollar amount associated with the administrative error.

### **National Standards for the Physical Inspection of Real Estate (NSPIRE)**

The U.S. Department of Housing and Urban Development's (HUD) new housing inspection approach, under development, that prioritizes health, safety, and functional deficiencies over those about appearance. NSPIRE is a single inspection standard for all units under the Public Housing, HCV, Multifamily, and Community Planning and Development (CPD) programs. NSPIRE focuses on the areas that impact residents the most, such as the dwelling unit. This model includes objective and clearly stated standards, value-added inspection protocols, and scoring elements that are more defensible and less complex. NSPIRE will replace the Housing Quality Standards (HQS) inspection process.

HUD mandated Public Housing Agencies (PHAs) implement the new rules no later than October 1, 2023. Although the new rules are effective October 1, 2023, HUD has granted the PHAs an operating and compliance period of a year.

As such, the LACDA will be working towards transitioning to HUD's new NSPIRE inspection standards by no later than October 1, 2024.

#### **NSPIRE Standards Overview**

NSPIRE is intended to better identify public housing agencies (PHA) and property owners and agents (POA) that are not adhering to minimum compliance standards by:

- Establishing objective, well-defined deficiency definitions developed, tested, and validated in a rigorous collaboration with stakeholders such as PHAs, POAs, resident groups, public health experts, and academics during the NSPIRE Demonstration;
- Reducing the number of inspectable areas at properties to simplify the process and reduce administrative errors related to deficiency misclassification by regrouping the inspectable items into three categories from five—note that this only changes the grouping of inspectable items; it does not change which items are being inspected;
- Deliberately grouping deficiencies into one of three categories; and
- Identifying all health and safety (H&S) deficiencies.

The NSPIRE Model has three major components: (1) Three types of inspections, (2) three categories of physical deficiencies, and (3) three inspectable areas.

The three types of inspections include self-inspections (see Self-Inspection); NSPIRE inspections (see NSPIRE Inspection); and NSPIRE Plus inspections (see NSPIRE Plus Inspection). Note that the Housing Choice Voucher program is only required to have NSPIRE inspections.

The three categories of deficiencies are health and safety; function and operability; and condition and appearance, with each category ideally resulting in emergency work orders, routine work orders, and other maintenance respectively.

The HCV program will retain the pass/fail methodology to conduct NSPIRE inspections and will not use the scoring scale used for other HUD programs. HUD has condensed the inspectable areas into three categories: Inside, Outside, and Unit. "Inside" refers to all common areas and building systems (e.g., HVAC) located inside a building, but not within dwelling units. "Outside" refers to the building site, the building envelope, and any building systems located outside of the building or unit. "Unit" refers to the interior of an individual residential unit.

The transition to these three major components will decrease inspection complexity, simplify the scoring model, and increase consistency in the way the standards are interpreted, and protocols are applied during an inspection.

### **NSPIRE Resources**

Follow the link below to view the publication of the NSPIRE final rule [Docket No. FR-6086-F-03]:

<https://www.federalregister.gov/documents/2023/05/11/2023-09693/economic-growth-regulatory-relief-and-consumer-protection-act-implementation-of-national-standards>

Follow the link below to view the comprehensive list of NSPIRE Inspection Standards:

[https://www.hud.gov/program\\_offices/public\\_indian\\_housing/reac/nspire/standards](https://www.hud.gov/program_offices/public_indian_housing/reac/nspire/standards)

Follow the link below to view other pertinent NSPIRE official notices and rules:

[https://www.hud.gov/program\\_offices/public\\_indian\\_housing/reac/nspire/notices](https://www.hud.gov/program_offices/public_indian_housing/reac/nspire/notices)

## **Chapter 1:**

### **POLICIES AND OBJECTIVES**

#### **1.1 INTRODUCTION**

In 1982, the Los Angeles County Board of Supervisors consolidated three entities – the Housing Authority, the Community Development Department, and the Redevelopment Agency – to form the Community Development Commission (CDC). On May 16, 2019, the agency was officially rebranded as the Los Angeles County Development Authority (LACDA). LACDA is part of the County family, but an independent agency not a County Department. The LACDA's core pillars include affordable housing, and community and economic development. The agency's wide-ranging programs benefit residents and business owners in the unincorporated Los Angeles County areas and in various incorporated cities that participate in different programs (these cities are called "participating cities"). According to the 2010 U.S. Census, more than one million of the County's nearly ten million residents live in unincorporated areas.

Over 70% of LACDA's funding comes from the U.S. Department of Housing and Urban Development to provide subsidized housing, housing development and preservation, community development, and economic development within Los Angeles County.

Under the LACDA organizational structure, the Housing Assistance Division administers all tenant-based and project-based Housing Choice Voucher rental assistance programs.

#### **1.2 PURPOSE OF THE PLAN**

##### **[24 CFR §982.54(a) – §982.54(d)]**

The purpose of the Administrative Plan is to clearly outline the policies and procedures that govern the LACDA's administration of the Section 8 Housing Choice Voucher rental assistance programs. The plan includes program requirements established by the U.S. Department of Housing and Urban Development (HUD), as well as the discretionary policies established by the LACDA.

The policies and procedures in this Administrative Plan comply with applicable local, State, and HUD and other Federal regulations, relevant memos, notices and guidelines, including fair housing and equal opportunity requirements. If applicable regulatory changes conflict with this plan, regulations will have precedence.

The LACDA adheres to the Administrative Plan in administering its Section 8 rental assistance programs. The original plan and any changes must be approved by the Board of Commissioners of the agency (the Los Angeles County Board of Supervisors), and a copy of the plan must be provided to HUD.

As much as possible, revisions and additions are published to coincide with published changes in the LACDA's Agency Plan. Interim changes, including Board mandates and administrative updates reflecting changes in law or

regulatory requirements, will be made effective by memo from the Executive Director or designee.

### **1.3 ADDITION OF PROGRAMS**

By its approval of any LACDA action and/or resolution to apply for, participate in, or extend its participation in any program, including but not limited to, programs offered by HUD, the LACDA Board of Commissioners thereby incorporates any applicable LACDA policies and procedures as may be required by participation in the program (and as may be approved by the Board) into the Section 8 Administrative Plan as if they were originally set forth herein. Specifics on the program will be added to the Section 8 Administrative Plan at the next scheduled revision.

### **1.4 LOCAL OBJECTIVES**

#### **[24 CFR §982.1(a)]**

The LACDA's rental assistance programs are designed to achieve three major objectives:

1. To provide improved living conditions and decent, safe, and sanitary housing for very low-income families while maintaining their rent payments at an affordable level;
2. To provide an incentive to private property owners to rent to lower income families by offering timely assistance payments; and
3. To promote freedom of housing choice and spatial deconcentration of lower income and minority families.

Additionally, the LACDA's mission statement is as follows:

- To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.

### **1.5 JURISDICTION**

#### **[24 CFR §982.51 and 24 CFR §982.4(b)]**

HUD authorizes the LACDA to administer its Section 8 Housing Choice Voucher and other subsidized rental assistance programs within the corporate boundaries of Los Angeles County. The LACDA's jurisdiction includes:

1. The unincorporated areas of the County, and
2. Participating cities within the County. Participating cities are defined as cities in the Los Angeles County area that have authorized the LACDA to administer rental assistance programs within their city limits.

### **1.6 RENTAL ASSISTANCE PROGRAMS**

Section 8 of the Housing and Community Development Act of 1974 established the "Section 8 Program," the first permanent Federal program for rental assistance. The program authorized a basic certificate program, as well as

targeted subprograms. As rental assistance programs developed, Congress authorized additional Section 8 programs, including a voucher program in 1987.

In 1998, the Quality Housing and Work Responsibility Act (QHWRA) required Public Housing Agencies (PHA's) to convert their certificates into vouchers and establish the Housing Choice Voucher Program as the primary rental assistance program. As a result of this conversion, the Housing Choice Voucher Program now encompasses all Section 8 rental assistance.

- **Project-Based Voucher Program:** The LACDA will utilize Project-Based vouchers to prevent the displacement of families and preserve affordable rents in the case of an unforeseen event.
- **Housing Choice Voucher Program:** The major rental assistance program administered by the LACDA.
  - **Note:** Unless otherwise noted, the procedures in this Administrative Plan are for the general Housing Choice Voucher Program.

As required by HUD regulations, the LACDA administers the Family Self-Sufficiency Program as a special program option for participants in the Housing Choice Voucher Program.

#### **1.6.1 Targeted and Special Programs**

Periodically, the LACDA applies for special funding from HUD to assist targeted populations, within the Housing Choice Voucher Program.

Families admitted into a targeted program must meet all regular admission requirements with the exception of the residency requirement. Since the LACDA is required to work closely with other County departments that provide services through all of Los Angeles County, families residing outside of the LACDA's jurisdiction are allowed to participate in targeted programs. However, families may be required to move within the LACDA's jurisdiction for at least one year.

### **1.7 FAIR HOUSING AND EQUAL OPPORTUNITY POLICY** **[24 CFR §982.53 and California FEHA Act]**

It is the policy of the LACDA to comply fully with all Federal, State and local nondiscrimination laws and with the rules and regulations governing fair housing and equal opportunity in housing and employment.

The LACDA shall not deny any family or individual the opportunity to apply for or receive assistance under its rental assistance programs on the basis of race, color, sex, religion, gender, gender identity and expression, family status, national origin, marital status, ancestry, age, sexual orientation, disability, source of income, medical condition, military and veteran status, genetic information, arbitrary characteristics, or any other basis prohibited by law.

The LACDA will provide Federal, State, and local information to voucher holders during the family briefing session regarding discrimination, and the recourse available to them if they are victims of discrimination. Applicants and other voucher holders will be informed that they may file a fair housing complaint using the toll-free hotline at 1-800-669-9777 and that persons with hearing or speech

impairments may access this number via TTY by calling the Federal Information Relay Service at 1-800-887-8339. All fair housing information and discrimination complaint forms will be included in the voucher holder's briefing packet.

## **1.8 NON-DISCRIMINATION POLICY**

It is the policy of the Los Angeles County Development Authority (LACDA), formerly known as the Housing Authority of the County of Los Angeles, to comply with the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601 *et seq.*, by ensuring that housing is available to all persons without regard to race, color, religion, national origin, disability, familial status (having children under age 18), or sex. This policy means that, among other things, LACDA and its agents or employees must not discriminate in any aspect of housing, including but not limited to denying persons access to housing, because of race, color, religion, national origin, disability, familial status, or sex. Such agents and employees may not:

- a. Make unavailable or deny a dwelling to any person because of race, color, religion, national origin, disability, familial status, or sex;
- b. Discriminate against any person in the terms, conditions, or privileges of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, disability, familial status, or sex;
- c. Make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, disability, familial status, or sex, or an intention to make any such preference, limitation, or discrimination, or
- d. Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by the Fair Housing Act.

Any agent or employee who fails to comply with this non-discrimination policy will be subject to appropriate disciplinary action. Any action taken by an agent or employee that results in the unequal treatment of citizens on the basis of race, color, religion, national origin, disability, familial status, or sex, may constitute a violation of state and federal fair housing laws. An individual who believes that he or she is the victim of discrimination may contact the U.S. Department of Housing and Urban Development at 1-800-669-9777, or the U.S. Department of Justice at 1-202-353-1555.

## **1.9 OPERATING RESERVES**

The Board of Commissioners shall establish the permitted uses of earned administrative fees at the time of the Annual Consolidated Operating Budget

approval. The approval shall consist of the use of administrative fees for the Housing Choice Voucher Program (Section 8) administration.

The Board of Commissioners must approve the expenditure of Section 8 operating reserves in excess of \$100,000. The Executive Director may authorize allowable use of Section 8 operating reserve funds not in excess of \$100,000. The Deputy Executive Director may authorize allowable use of Section 8 operating reserve funds not in excess of \$30,000.

## **1.10 SERVICE POLICY**

### **[24 CFR §8.24]**

This policy is applicable to all situations described in this Administrative Plan when a family initiates contact with the LACDA, when the LACDA initiates contact with a family including when a family applies, and when the LACDA schedules or reschedules any kind of appointments.

It is the policy of the LACDA to be service-directed in the administration of its rental assistance programs, and to exercise and demonstrate a high level of professionalism while providing housing services to all families.

The LACDA's policies and practices are designed to provide assurances that all persons with disabilities will be provided reasonable accommodation so that they may fully access and utilize the housing program and related services. The LACDA will inform clients of their right to a reasonable accommodation via the Admissions Application, Annual Reexamination, Voucher Briefing, and at the time of a proposed adverse action.

### **1.10.1 Providing Greater Accessibility to Persons with Disabilities**

The LACDA provides reasonable accommodations to persons with disabilities. The following is a non-exhaustive list of reasonable accommodations that may be available to a disabled person:

1. Providing office facilities which meet the requirements of Federal, State and local law with regard to accommodations for persons with disabilities;
2. Providing notice to applicants and participants that they may request a reasonable accommodation if a family member is a person with a disability;
3. Allowing the assistance of mechanical or electronic devices by applicants and participants as may be needed to facilitate communication at appointments;
4. Providing assistance in completing forms and other documents which are required by program regulations;
5. Encouraging families to utilize assistance from outside agencies in the completion of forms and documents required by the program;
6. Providing reasonable extensions of time for the completion of program requirements to the extent not prohibited by HUD regulations;

7. Providing extensions to the amount of time a family has to search for a unit with their voucher (see section 8.7.3);
8. Conducting in-home visits (or, where appropriate, telephone interviews) for persons who are unable to travel to LACDA offices due to medical conditions;
9. Maintaining Telecommunication Devices for the Deaf (TDD) phone services and publicizing their availability;
10. Providing an American Sign Language interpreter at the request of clients with a hearing impairment;
11. Providing documents in Braille, upon request;
12. Providing program documents in large font sizes upon request;
13. Providing, upon request, an appropriate meeting or conference room to accommodate a service and/or support animal;
14. Requesting HUD approval of an exception to the Fair Market Rent (FMR) or the Voucher Payment Standard, at the family's request, if a family contains a member with a disability and has a verifiable need to rent an accessible or otherwise appropriate specific unit in a specific area, but only if the unit meets the rent reasonableness requirements of the program;
15. Allow advocates to provide information as needed, but only with the permission of the person with the disability.

The following is a list of actions LACDA will take to affirmatively further fair housing for disabled persons. The LACDA is not limited only to those actions listed below to affirmatively further fair housing and may take other actions when deemed necessary and reasonable:

1. Actively and consistently examining the LACDA's programs, and proposed programs to identify any impediments to fair housing choice within the programs;
2. Resolving impediments to fair housing choice in a reasonable and timely fashion given resources available;
3. Soliciting information on the accessibility of owners' units to persons with disabilities and providing information on amenities the unit may provide persons with disabilities;
4. Providing a free internet-based housing search that lists available, accessible units;
5. Soliciting the assistance of outside agencies to provide services to persons with disabilities and to assist persons with disabilities in meeting the requirements of the Section 8 and other assisted housing programs;
6. Actively working with the County and participating cities to implement any initiatives to affirmatively further fair housing where involvement by the LACDA is necessary;

7. Providing to its Section 8 landlords information concerning their legal obligations to permit “reasonable modifications” to a rental unit at the participant’s expense if the family has a member with a disability and if the modification is necessary for the person with a disability to fully enjoy the unit;
8. Requiring all outside agencies who have agreements or contracts with the LACDA to abide by Federal, State and local laws and ordinances which require accommodation for persons with disabilities and not to reject any applicant or participant on the basis of a disability;
9. Providing training to all employees on how to accommodate applicants and participants with disabilities.

The LACDA will maintain documentation of all efforts to affirmatively further fair housing.

#### **1.10.2 Requests for Reasonable Accommodation** **[24 CFR §8.28]**

The LACDA is required to make reasonable adjustments to rules, policies, practices and procedures of its programs, in order to enable a disabled applicant or participant to have an equal opportunity to use and enjoy their unit, including common areas, and to comply with program obligations.

The LACDA approves reasonable accommodation requests on a case-by-case basis, upon determination that:

- The requested accommodation is reasonable (i.e., it does not result in a fundamental alteration in the nature of the program or an undue financial and administrative burden), and
- There is an identifiable relationship between the requested accommodation and the individual’s disability.

Requests for reasonable accommodation do not have to be made in writing, however it is preferred if the request is in writing to ensure the request is understood by all parties. Most requests for accommodation are verified with a reliable, knowledgeable professional so that the LACDA can properly accommodate the need presented by the disability (see Chapter 7 for Verification of Reasonable Accommodations). Families requesting a reasonable accommodation will be notified in writing of the decision. The written decision will also include a statement informing the family of their right to dispute the decision.

#### **1.10.3 Persons with an Obvious and/or Visible Disability**

Most reasonable accommodation requests are considered in accordance with the policies found in section 7.11.10. However, in accordance with the Joint Statement of the Department of Housing and Urban Development and the Department of Justice regarding Reasonable Accommodations under the Fair Housing Act, dated May 17, 2004 an Assistant Manager, Manager, Director or the ADA/504 Coordinator in the Housing Assistance Division may approve a family member’s self-certification of a need for a reasonable accommodation, but only if:

- 1) The individual has an obvious and/or visible disability (such as an individual who regularly uses a wheelchair or an individual with a hearing or visual impairment);
- 2) The accommodation requested is clearly related to the individual's disability (for example, a hearing-impaired person requests a sign language interpreter).

If a person's disability is obvious, or otherwise visible, and if the need for the requested accommodation is also readily apparent or known, Supervisory staff will not request any additional information about the requester's disability or the disability related need for the accommodation.

If Supervisory staff cannot determine whether there is a clear relationship (nexus) between the obvious disability and the need for an accommodation, the relationship (nexus) and need for the accommodation must be verified by a health care or service provider.

Supervisory staff must document the file with facts and reasoning to support acceptance of the family member's self-certification. The supervisor's approval of the self-certification takes the place of a third party verification of need for the accommodation.

#### **1.10.4 General Guidelines for Exception Rents in Excess of the Regular Payment Standard**

Under no circumstances may a family initially rent a unit if the family share will exceed the affordability limits stipulated by HUD. A family may rent a unit with a lower payment standard amount while its request for an exception rent or payment standard is pending so long as the family share does not exceed the affordability limitation. If approval for an exception payment standard is provided after the start date of the HAP Contract, the payment standard is revised effective the first of the month following the date of the final written approval.

#### **1.10.5 Exceptions Payment Standard (120% of the FMR or Less)**

These exceptions may be granted only by a Manager or the Director of the Housing Assistance Division.

The rent for the unit must be reasonable. The family must have at least one member who qualifies as a person with a disability for the purpose of reasonable accommodation. The unit must in some specific way accommodate the disability, such as the unit's physical amenities (grab-bars, ramps, special features for the blind), structure (elevator building, ground floor unit), location (near a medical facility, place of treatment, school providing special education, close location to bus lines or other facilities) or because of other circumstances or needs attested to by the health care or service provider.

The need for the accommodation must be verified in accordance with section 7.11.10 of this Plan.

#### **1.10.6 Exceptions in Excess of 120% of the FMR**

All requests for exceptions to the payment standard which exceed 120 % of the Fair Market Rent must be reviewed and approved by the Director. Requests above 120% of the FMR will require a HUD Headquarters waiver of 24 CFR 982.505(d).

Approval of exception payment standards may occur only if the family share will exceed 40% of the family's Adjusted Monthly Income (AMI), and the resulting exception payment standard will be premised on the family continuing to pay 40% of AMI as the family share. The exception payment standards remain in effect until and unless a higher exception payment standard is warranted, requested and subsequently approved.

#### **1.10.7 Payment Standard Exceptions During the Contract Term**

During the term of a HAP Contract, the LACDA may provide an exception to the payment standard to allow the unit to remain affordable to the family so long as the unit provides an accommodation for the disability. The exception cannot be retroactive and cannot take effect until after the date of the LACDA's (or HUD's) written approval.

#### **1.10.8 Interactive Process**

If necessary, designated LACDA staff may engage in discussion with the family to determine what policy exception or reasonable accommodation is being requested and to identify acceptable alternative accommodations. For the Section 8 program only, upon request, if the owner refuses to allow a reasonable accommodation, the designated staff person or the 504 Coordinator may provide the family information on how to file a housing discrimination complaint and/or may refer the participant to the U.S. Department of Housing and Urban Development (HUD), Department of Fair Employment and Housing (DFEH), or a Fair Housing agency to make a complaint.

#### **1.10.9 Denials & Terminations - Discretion to Consider Circumstances**

In determining whether to deny admission or terminate assistance because of action or failure to act by members of the family, the LACDA may consider mitigating circumstances relating to the disability of a family member and the effects of denial or termination of assistance on other family members who were not involved in the action or failure to act.

If the family includes a person with a disability, the LACDA's decision concerning termination or denial is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

#### **1.10.10 Re-verifying the Need for Reasonable Accommodations**

Once the need for a reasonable accommodation has been verified, staff does not re-verify the need for reasonable accommodation except when there is another change in circumstances.

Examples:

- A disabled person leaves the household,
- A family member listed as disabled can no longer verify s/he is disabled,
- At inspection no medical equipment is observed in an additional room granted as an accommodation to store or use the equipment,
- The health care or service provider approving a need for a live-in aide or other reasonable accommodation has indicated that the need or the disability will be of short duration,
- The family member loses his/her disabled status, for example when a person on State disability returns to work.

#### **1.10.11 Resolving Complaints Regarding Reasonable Accommodation**

Complaints or issues regarding the provision of reasonable accommodation for a person with a disability which are not resolved by the case manager are referred to the Housing Assistance Division ADA/Section 504 Coordinator who provides a preliminary review, conducts investigations, and resolves complaints and issues determinations.

### **1.11 LIMITED ENGLISH PROFICIENCY**

In accordance with federal, state and local law, specifically Executive Order 13166, HUD LEP Guidance and Sections 7290 et seq. of the California Government Codes ("Dymally-Alatore Act") the LACDA will provide meaningful access to its programs and activities by persons with Limited English Proficiency (LEP) and undertake reasonable efforts to provide or arrange free language assistance for LEP applicants or participants of the Housing Choice Voucher program and all other rental assistance programs administered by the Housing Assistance Division.

### **1.12 MEANINGFUL ACCESS; FOUR-FACTOR ANALYSIS**

Meaningful access is free language assistance in accordance with federal guidelines. The LACDA is required to provide LEP services based on the balancing of the following four-factor analysis:

1. The number or proportion of LEP persons served or likely to be encountered by the LACDA.
2. The frequency with which with LEP persons using a particular language come into contact with the LACDA.
3. The nature and importance of the LACDA program, activity or service to the person's life.
4. The LACDA's resources and the cost of providing meaningful access.

The LACDA will annually assess and update the four-factor analysis in accordance with Section 1.17 Monitoring.

### **1.13 DEFINITIONS**

1. "Applicant" includes applicants for any program administered by the Housing Assistance Division.
2. "Competent" refers to a person who is proficient and has knowledge of program terminology in both the English language and the non-English language being used.
3. "Interpretation" is competently taking oral or spoken information provided in one language and accurately communicating that information orally in another language.
4. "Interpreter" is a person (not a minor) able to speak fluently and read with full understanding both in the English language and the language of the LEP applicant or participant.
5. "Language services" or "Language Assistance" is the provision of free, competent language interpretation (oral) or translation services (written).
6. "LEP Individual" is a person who identifies as a LEP person, does not speak English as a primary language, and who has a limited ability to read, write, speak or understand English.
7. "Oral Translation" means the oral translation of a document from English into a second language. Oral translation involves the translation of every word, not summarization. However, in oral translation, because of cultural and technical issues, further explanation may also be required and is encouraged.
8. "Participant" includes persons receiving assistance under any rental assistance program administered by the Housing Assistance Division.
9. "Threshold Language" is a language spoken by 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered to determine the need for bilingual staff and translation of documents.
10. "Translation" means converting written material from one language to another in written form.
11. "Vital documents" are those that are critical for ensuring meaningful access by LEP persons to the rental assistance programs administered by the LACDA.

### **1.14 LANGUAGE ASSISTANCE**

A Limited English Proficient (LEP) applicant or participant is entitled to language assistance with respect to the programs and activities of the LACDA.

LACDA staff will provide language assistance to LEP applicants and participants who have difficulty communicating in English, who identify themselves as LEP or who request language assistance.

Applicants will be asked at the time of application and participants will be asked at the time of annual reexamination to designate their primary language for both oral and written services and whether LEP services are needed. This information will be recorded in the electronic case file.

## **1.15 INTERPRETIVE (ORAL) SERVICES**

LEP applicants and participants have the right to free interpreter services when the individual states a need or staff observes difficulty in communicating in English, whether or not the language they speak is considered a threshold language. Once a person is identified as LEP, interpreter services will be made available in all communication with or from the LACDA.

### **1.15.1 Formal Interpreters**

To provide meaningful access for LEP applicants and participants, the LACDA will provide qualified interpreters, including agency bilingual staff and outside vendors to all identified LEP individuals or upon request.

The LACDA may require an interpreter to certify that he/she understood the matter communicated and rendered a competent interpretation.

- Only formal interpreters will be used at Voucher issuance briefings; and
- Informal hearings.

Informal interpreters will not be used in lieu of formal interpreters provided by the LACDA.

For informal hearings, a LACDA staff interpreter may not be a subordinate to the person making the decision.

The LACDA maintains a list of qualified, bilingual employees who have applied for, and tested for proficiency in interpreting and/or translating languages from English into a language other than English. Those employees receive additional compensation for demonstrating non-English language proficiency and can provide assistance to LACDA staff and LEP clients as part of their regular job duties.

### **1.15.2 Informal Interpreters**

Informal interpreters may include the family members, friends, legal guardians, service representatives or advocates of the LEP individual. The use of informal interpreters is strongly discouraged. Minor children may not act as informal interpreters.

If the LEP individual wishes to rely solely on an informal interpreter, the LACDA staff will determine whether it is appropriate, depending upon the circumstances and subject matter of the communication. However, in many circumstances, informal interpreters may not be an appropriate option to provide accurate interpretations. There may be issues of confidentiality, competency or conflict of interest. In those cases, the LACDA may require the use of a formal interpreter despite the wish of the LEP individual to rely solely on his or her informal interpreter.

The LACDA will always offer a free interpreter. A LEP person may use an informal interpreter of his/her own choosing and at his/her expense, either in place of or as a supplement to the free language assistance offered by the LACDA. If possible, the LACDA will accommodate a LEP individual's request to use an informal interpreter in place of a formal interpreter.

If a LEP individual prefers an informal interpreter, after the LACDA has offered free interpreter services, the informal interpreter may interpret. In these cases, the LEP individual and interpreter will be asked to sign a waiver, in the LEP individual's preferred language or through oral translation, refusing interpreter services.

If a LEP individual wants to use his/her own informal interpreter, the LACDA reserves the right to also have a formal interpreter present.

### **1.15.3 Outside Resources**

Outside resources may include competent community volunteers or competent Housing Choice Voucher participants.

Outside resources may be used for interpreting services at public or informal meetings or events if a timely request has been made.

The LACDA will establish and maintain relationships with organizations that assist specific cultural and ethnic groups living in Los Angeles County. To help their clients obtain or keep housing assistance through the LACDA, these organizations may provide qualified interpreters for LEP persons.

## **1.16 TRANSLATION OF DOCUMENTS**

The LACDA will consider the following factors in determining whether a document requires translation:

- a. The document meets the threshold of a "vital document". Per the HUD guidance, "vital documents" are those that are critical for ensuring meaningful access by beneficiaries or potential beneficiaries generally and LEP persons specifically.
- b. The costs and benefits of translating documents for potential LEP groups, the barriers to meaningful translation or interpretation of technical housing information, the likelihood of frequent changes in documents, the existence of multiple dialects within a single language group, the literacy rate in an LEP group and other relevant factors. The LACDA will undertake this examination when an eligible LEP group constitutes 5 percent of an eligible group of beneficiaries or potential beneficiaries (for example, 5 percent of households receiving Section 8 assistance) or 1,000 persons, whichever is less.

Documents deemed "vital" by the LACDA will be translated in to threshold languages.

In consideration of the above, the LACDA will annually assess its documents to identify any additional vital documents that need to be translated. The LACDA will then translate a portion of those documents identified every year as financially feasible. If the vital document has not been translated, the LACDA will provide the applicant or participant with oral translation.

As opportunities arise, the LACDA may work with other local public housing authorities (PHAs) to share the costs of translating common documents.

As HUD continues to translate standard housing documents in multiple languages, the LACDA will replace its translated versions with the official HUD versions.

#### **1.16.1 Audiovisual Materials**

The LACDA will make reasonable efforts to produce multiple translations of audiovisual materials it may use to inform or educate applicants, participants and other client groups. For example, the LACDA will translate material to be presented at voucher issuance briefings into the threshold languages.

### **1.17 MONITORING**

The LACDA will review and revise this LEP policy annually. The review will include:

- a. Reports from the LACDA's software system on the number of LEP clients. Such reports may be supplemented by staff observations.
- b. A determination as to whether 5 percent or 1,000 participants from LACDA-administered programs or persons from the waiting list speak a specific language, which triggers consideration of document translation needs as described above.
- c. Review of demographic data that indicates prevalent languages in Los Angeles County.
- d. Analysis of staff requests for formal interpreters: the number of requests, the languages requested the costs, etc.

### **1.18 LEP PLAN DISTRIBUTION AND TRAINING**

The LACDA will ensure the LEP policy is distributed to the public and complied with by all staff by:

1. Distributing to all LACDA staff.
2. Posting on the LACDA's website at [www.lacda.org](http://www.lacda.org).
3. Posting at the LACDA's Administrative Offices in appropriate threshold languages.

4. Including notices summarizing the rights of LEP individuals under this policy in application and reexamination packets.
5. Conducting in-depth training for staff that interacts directly with applicants and participants. All other staff will receive at least a condensed training on LEP policies and procedures.

#### **1.19 FAMILY OUTREACH**

Each time the LACDA enters into an Annual Contributions Contract (ACC) with HUD for new Section 8 existing units, it will be publicized in accordance with the specification in the criteria of the Equal Opportunity Housing Plan.

The LACDA will communicate the status of housing availability to other service providers in the community; advise them of housing eligibility factors and guidelines in order that they can make proper referrals for housing assistance.

Information regarding the program directed at prospective applicants/tenants will be disseminated in accordance with Equal Opportunity Housing Plan and HUD guidelines for fair housing.

#### **1.20 OWNER OUTREACH**

##### **[24 CFR §982.1(a)]**

The LACDA encourages owners of decent, safe and sanitary housing units to lease to families participating in its rental assistance programs. The LACDA maintains and regularly updates a list of interested landlords and available units for its rental assistance programs. When listings from owners are received, they are compiled by LACDA staff and made available through the phone hotline, by mail, or by Internet at [www.lacda.org](http://www.lacda.org).

Ongoing marketing efforts to recruit suburban owners for participation include, but are not limited to:

1. Brochures for owners;
2. Realty Board presentations;
3. Apartment Owner Association presentations;
4. Community Center presentations; and
5. Presentation to organizations serving the disabled and other similar organizations.

The LACDA periodically evaluates the distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted. Special outreach efforts will be used in order to encourage participation of those groups who would not normally apply or participate.

#### **1.21 PRIVACY RIGHTS**

##### **[24 CFR §5.212]**

Applicants and participants, including all adults in each household, are required to sign the HUD-9886 Form (Authorization for the Release of Information). This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD will release family information.

A statement of the LACDA's policy on release of information to prospective landlords will be included in the briefing packet that is provided to the family.

The LACDA's practices and procedures are designed to safeguard the privacy of applicants and program participants. All applicant and participant files are stored in a secure location that is only to be accessed by authorized staff.

LACDA staff will not discuss family information contained in files unless there is a business or legal reason to do so. Inappropriate discussion of family information or improper disclosure of family information will result in disciplinary action.

## **1.22 MONITORING PROGRAM PERFORMANCE**

### **[24 CFR §985]**

In order to ensure quality control, supervisory staff will review the following functions:

1. At Least 10 percent of all work completed by their staff, and
2. 100 percent of work completed by new staff for a minimum of 30 calendar days.

The LACDA's Section 8 Management Assessment Program (SEMAP) Analyst conducts audits of:

1. 5 percent of annual re-examinations/interim re-examinations, and
2. Minimum Housing Quality Standards (HQS) quality control inspections as dictated by SEMAP Indicator #5.

The LACDA has the ability to use credit checks, and other similar tools to ensure program integrity, on a case-by-case basis.

## **1.23 TERMINOLOGY**

### **[24 CFR §982.4(b); §5.100 §5.2003 and §8.3; and Cal. Gov. Code 12926]**

- **"Affiliated Individual"** is defined to mean with respect to an individual,
  - A spouse, parent, brother, sister, or child of that individual, or a person whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or
  - Any individual, tenant, or lawful occupant living in the household of that individual.
- **"Bifurcate"** means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful

occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

- **“Covered Person”** is defined as a tenant, any member of the tenant’s household, a guest or another person under the tenant’s control.
- **“Covered Housing Provider”** refers to the individual or entity under a covered housing program, and as defined by each program in its regulation, that has responsibility for the administration and/or oversight of VAWA protections and includes PHAs, sponsors, owners, mortgagors, managers, State and local governments or agencies thereof, nonprofit or for-profit organizations or entities.
- **“Dating Violence”** is defined as violence committed by a person:
  - Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - The length of the relationship;
    - Type of relationship; and
    - Frequency of interaction between persons involved in the relationship.
- **“Domestic Violence”** is defined as felony or misdemeanor crimes of violence committed by:
  - A current or former spouse or intimate partner of the victim;
  - A person with whom the victim shares a child in common;
  - A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  - A person similarly situated to a spouse of the victim under local and state domestic or family violence laws;
  - Any other person against an adult or youth victim who is protected from that person’s acts under local and state domestic or family violence laws.

The term “spouse or intimate partner of the victim” includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

- **“Elderly family”** means a family whose head (including co-head), spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aids.

- **“Family”** refers to a single person or group of persons, who may include an elderly person(s), displaced person(s), disabled person(s), near-elderly person(s) or any other single person(s), or the remaining members of a tenant family; and is used interchangeably with “applicant” or “participant” and can refer to a single person family. “Tenant” refers to participants in terms of their relation to landlords See section 2.3 for full definition.
- **“Financial Aid”** means any assistance that an individual receives:
  - Under the Higher Education Act of 1965;
  - From private sources;
  - From an institute of higher education.

Such financial aid may include federal, state, and local grants and scholarships (athletic and academic), fellowships and student educational financial assistance from parents, guardians, or other persons residing outside of the student family household.

Types of financial aid under the Higher Education Act of 1965 would include: the Pell Grant, the Federal Supplemental Education Opportunity Grant (FSEOG), Academic Achievement Incentive Scholarships, State assistance under the Leveraging Educational Assistance Partnerships Program, the Robert C. Byrd Honors Scholarship Program, and federal Work-Study (FWS) programs.

- **“Gender expression”** – means a person’s gender-related appearance or behavior, or the perception of such appearance or behavior, whether or not stereotypically associated with the person’s sex assigned at birth. (Cal. Gov. Code §12926(q)(C)(2))
- **“Gender identity”** - means the gender with which a person identifies, regardless of the sex assigned to that person at birth and regardless of the person’s perceived gender identity. Perceived gender identity means the gender with which a person is perceived to identify based on that person’s appearance, behavior, expression, other gender related characteristics, or sex assigned to the individual at birth or identified in documents.
- **“Genetic Information”** - means, with respect to any individual, information about any of the following (Cal. Gov. Code §12926(g)(1)):
  - i. The individual’s genetic tests;
  - ii. The genetic tests of family members of the individual;
  - iii. The manifestation of a disease or disorder in family members of the individual.
- **“Guest”** is defined as any person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.
- **“Illegal Drugs”** are defined as any controlled substance, in any amount, as defined by the United States Code, Title 21, section 802, including but not limited to narcotics, amphetamines, hallucinogens, cocaine, marijuana,

medical marijuana, designer drugs, or other intoxicants. This definition also specifically includes over the counter medications used in the manufacture of illegal drugs or for the purposes of becoming intoxicated, and pharmaceutical medications which are used either without being prescribed by a licensed physician or in excess of the amount prescribed by a physician for the purposes of becoming intoxicated.

- **“Independent Student Status”** is when the income of the student’s parents is not relevant or the student can demonstrate the absence of, or his or her independence from, parents. These criteria include but are not limited to the following:
  - The individual is 24 years of age or older by December 31 of the award year;
  - The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
  - The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual’s State of legal residence;
  - The individual is a veteran of the Armed Forces of the United States (as defined in subsection (c)(1) of HEA) or is currently serving on active duty in the Armed Forces for other than training purposes;
  - The individual is a graduate or professional student;
  - The individual is a married individual;
  - The individual has legal dependents other than a spouse;
  - The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by—
    - (i) A local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act;
    - (ii) the director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
    - (iii) the director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
    - (iv) a financial aid administrator; or
    - (v) The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

- **“Juvenile Records”** means:
  - All documents filed in a juvenile court case.
  - All reports to the court prepared by probation officers, social workers, health care providers, court-appointed special advocate (“CASA”) volunteers, and other professionals that work with the child.
  - All documents made available to probation officers, social workers and CASA volunteers, in preparation of reports to the court, including, but not limited to, police reports, evaluations from counselors, evaluations from therapists, medical records, hospital records, and school records.
  - All documents, maintained in the office files of probation officers, social workers of child welfare service programs, and CASA volunteers that involve a child for whom a petition to declare a child a ward or dependent of the court has been filed.
  - Transcripts, records, or reports relating to matters prepared or released by the court, probation department or child welfare service program.
  - All documents, video or audio tapes, photographs and other evidence admitted into evidence at juvenile court hearings.
  - All documents relating to juvenile contacts or investigations that are maintained by law enforcement agency, probation department, or Department of Family Services, which are part of the juvenile case file even if juvenile court proceedings have not been initiated.
- **“Landlord”** and **“owner”** are used interchangeably.
- **“Other person under the tenant’s control”** is defined as a person, although not staying as a guest (as defined above) in the unit, is, or was at the time of activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily or infrequently on the premises solely for legitimate commercial purposes is not under the tenant’s control.
- **“Person with a Disability”** or **“People with Disabilities”** refers to a person who has a physical or mental impairment that limits one or more major life activities such as caring for oneself, manual tasks, walking, seeing, hearing, speaking, breathing or learning; has a record of such impairment; or is regarded as having such an impairment, and includes all people covered by either federal or state law.
- **“Sex”** also includes, but is not limited to, a person’s gender. “Gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression” means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth. (Cal. Gov. Code §12926(r)(2))

- **“Sexual Assault”** is defined as any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.
- **“Sexual orientation”** - means one’s emotional or physical attraction to the same and/or opposite sex (e.g., homosexuality heterosexuality, or bisexuality).
- **“Stalking”** is defined:
  - To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; or
  - To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and
  - In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause serious emotional harm to that person, the spouse or intimate partner of that person, or a member of the immediate family of that person.
- **“Student”** is defined to mean all students enrolled either full-time or part-time at an institution of higher education.
- **“Tuition”** is defined as the amount of money charged per term, per course, or per credit. Tuition may include fees, which represents the amount covering a full academic most frequently charged to students. Required fees include all fixed sum charges that are required of such a large proportion of all students that the student who does not pay the charges is an exception.
- **“Zero Income Family”** is when a family reports to have no source of income, which includes “excluded income” such as foster care. A family that receives income such as child support and/or family support is not considered to have a zero income status.



## **Chapter 2:**

# **ADMISSION ELIGIBILITY FACTORS AND APPLICANT REQUIREMENTS**

### **2.1 INTRODUCTION**

#### **[24 CFR §982.54(d)]**

This chapter defines the criteria used by the LACDA to determine program eligibility, and the requirements that families and family members must meet in order to receive assistance under the program. This chapter also clarifies the circumstances that may lead to a denial of admission, and the process for notifying families if they are denied admission.

Family members being added to households that are currently receiving assistance are considered new applicants and are subject to the LACDA's admission and eligibility requirements.

The intent of these policies is to maintain consistency and objectivity in evaluating the eligibility of families who apply for the programs. The criteria listed in this chapter are the only factors used to review eligibility, to minimize the possibility of bias or discrimination. Selection shall be made without regard to race, color, sex, religion, gender, gender identity and expression, family status, national origin, marital status, ancestry, age, sexual orientation, disability, source of income, medical condition, military and veteran status, genetic information, arbitrary characteristics, or any other basis prohibited by law.

### **2.2 ELIGIBILITY FACTORS AND REQUIREMENTS**

#### **[24 CFR §982.201 and 24 CFR §982.552]**

In accordance with HUD regulations, the LACDA has established the following eligibility criteria, which are detailed throughout this chapter. To be eligible for admission, an applicant family must:

1. Meet the definition of a "family;"
2. Be within the appropriate income limits;
3. Be a citizen, or a non-citizen with eligible immigration status [24 CFR §5.508]; and
4. Furnish and verify valid Social Security numbers for all family members [24 CFR §5.216].

The LACDA will also deny admission as follows:

1. If applicant fails to submit required consent forms, or any other LACDA-required information to verify family eligibility, composition, or income (including birth certificates and valid state identification);
2. If applicant is in violation of other criteria listed in Section 2.8 of this chapter;

3. If the applicant is a member, officer or employee of the LACDA who formulates policy or influences decisions with respect to federally funded rental assistance programs or a public official or a member of the local governing body or member of Congress; or
4. If applicant is a student enrolled in an institution of higher learning and meets all the criteria listed in Section 2.5 of this chapter.

The LACDA's procedures regarding notification and informal reviews for applicants who are denied assistance can be found at the end of this chapter.

## **2.3 FAMILY COMPOSITION**

### **[24 CFR §982.201(c) and 24 CFR §5.403]**

The applicant must qualify as a family. The LACDA defines a family as a single person or a group of persons as follows, regardless of actual or perceived sexual orientation, gender identity, or marital status.

1. **An elderly family:** A family whose head, co-head, spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.
2. **A disabled family:** A family whose head, co-head, spouse, or sole member is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.
3. **The remaining member of a tenant family:** The remaining member of a tenant family will be reassigned another bedroom size voucher, provided there is funding available.

The remaining member of a tenant family does not include a live-in aide of the former family whose service was necessary to care for the well-being of an elderly, disabled or handicapped head of household, co-head, or spouse and whose income was not included for eligibility purposes.

4. **A group of persons:** Two or more persons sharing residency, who are not categorized as an elderly or disabled family, whose income and resources are available to meet family needs.
5. **A single person:** A person who lives alone, or intends to live alone, who is not categorized as elderly, disabled, or the remaining member of a tenant family.

A child who is temporarily away from home due to placement in foster care is considered a member of the family.

### **2.3.1 Head of Household**

#### **[24 CFR §5.504]**

The head of household is considered to be the adult member of the household who is designated by the family or the LACDA as head, is wholly or partly

responsible for paying the rent, to sign program-related documents, and has the legal capacity to enter into a lease under State/local law. However, since rental assistance is provided to the entire family, it is expected that every family member will uphold the LACDA's rules and regulations. Emancipated minors who qualify under State law will be recognized as head of household.

### **2.3.2 Spouse of Head**

Spouse means the husband or wife of the head of household. The marriage partner who, in order to dissolve the relationship would have to be divorced. It includes the partner in a common law marriage. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads.

### **2.3.3 Co-Head**

A co-head is an individual in the household who is equally responsible for the lease with the head of household. A family may have a spouse or co-head, but not both. A co-head never qualifies as a dependent.

### **2.3.4 Live-In Aides**

#### **[24 CFR §982.316 and 24 CFR §5.403]**

A family may include a live-in aide if the live-in aide meets the following stipulations. The live-in aide:

1. Must be at least 18 years of age or older;
2. Is determined by the LACDA to be essential to the care and well-being of an elderly person or a person with a disability;
3. Is not obligated for the support of the person(s);
4. Would not be living in the unit except to provide care for the person(s); and
5. Must sign and submit a Criminal Background Acknowledgement and Consent form and must undergo and pass a criminal background screening.

**Note:** Occasional, intermittent, multiple or rotating care givers do not meet the definition of a live-in aide. Live-in aides must reside with a family permanently for the family unit size to be adjusted in accordance with the subsidy standards. An additional bedroom should not be approved for these caregivers, except when the family's composition or circumstances warrant the provision of an extra bedroom to permit disability-related overnight care and allow the family equal use and enjoyment of the unit.

A live-in aide is different from a family member in the following:

1. An aide's income will not be used to determine eligibility of family;
2. An aide is not subject to citizenship/eligible immigrant requirements;
3. An aide is not considered a remaining member of the tenant family, which means that they are not entitled to retain the voucher if the eligible family member(s) voluntarily leave the program, are terminated from the program, or have a voucher that expires.

Relatives are not automatically excluded from being live-in aides, but they must meet all the stipulations in the live-in aide definition described above to qualify for the income exclusion as a live-in aide.

A relative who does not qualify for income exclusion as a live-in aide may qualify for other exclusions, including if a family receives income from a state agency to offset the cost of services and equipment needed to keep a developmentally disabled family member at home. For a complete list of income exclusions, refer to Section 6.4 (Income Inclusions and Exclusions).

A live-in aide may only reside in the unit with the approval of the LACDA. The LACDA will require written verification from a reliable, knowledgeable professional, such as a doctor, social worker, or caseworker. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, and/or disabled. The verification must include the hours of care that will be provided.

The live-in aide will be subject to a criminal background check and must meet the same standard as an applicant. Please see Section 2.8 (Screening for Drug Abuse and Other Criminal Activity) for more information.

With authorization from the assisted family, the landlord and the LACDA, a live-in aide may have a family member live in the assisted unit as long as it does not create overcrowding in the unit. The LACDA will not increase the family's subsidy to accommodate the family of a live-in aide.

### **2.3.5 Changes to the Household Prior to Program Admission**

The LACDA may only transfer Head of household status to a person listed on the waiting list or application as spouse or co-head under the following circumstances:

In the event of the death of the head of household, a person already listed as the Spouse or Co-Head on the waiting list or application may request a change of the Head of Household status by submitting a signed, written request along with a copy of the death certificate of the original head of household.

In all other cases (including but not limited to divorce, separation, abandonment, medical incapacity) the head of Household status will be changed only when the original Head of Household submits to the LACDA a written release of the application to the Spouse or Co-Head, or if the Spouse or Co-Head requesting a transfer of Head of Household status submits to the LACDA legal documentation of his/her right to the application.

### **2.3.6 Multiple Families in the Same Household**

When families consisting of two families living together, (such as a mother and father, and a daughter with her own husband or children), apply together as a family, they will be treated as one-family unit.

### **2.3.7 Joint Custody of Children**

Children who are subject to a joint custody agreement but live with one parent at least 51 percent of the time will be considered members of that household. If

both parents on the waiting list are trying to claim the child, the parent whose address is listed in the school records will be allowed to claim the school-age child as a dependent.

Where court orders exist and provide guidance on custody issues, the LACDA will follow the directives outline in the court documents.

## **2.4 INCOME LIMITATIONS**

### **[24 CFR §982.201(b) and 24 CFR §5.603(b)]**

In order to be eligible for assistance, an applicant must be:

1. An extremely low-income family (a family whose gross annual income does not exceed 30 percent of the HUD-established median income for the Los Angeles-Long Beach Primary Metropolitan Statistical Area); **or**
2. A very low-income family (a family whose gross annual income does not exceed 50 percent of the median income for the Los Angeles-Long Beach Primary Metropolitan Statistical Area).
3. A low-income family (a family whose gross annual income does not exceed 80 percent of the median income for the Los Angeles-Long Beach Primary Metropolitan Statistical Area) who meets at least one of the following criteria:
  - i. Is “continuously assisted” (meaning the applicant has been receiving assistance under a program covered by the 1937 Housing Act, i.e. public housing); or
  - ii. Is displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing; or
  - iii. Qualifies for assistance as a non-purchasing family residing in a HOPE 1 or HOPE 2 project; or
  - iv. Qualifies for assistance as a non-purchasing family residing in a project subject to a resident homeownership program under 24 CFR §248.101.

As required by HUD regulations, 75 percent of all new admissions will be required to meet the definition of an extremely low-income family. To achieve the required balance, it may be necessary to skip over an otherwise eligible family. If this occurs, families that have been skipped over will retain the time and date of application and will be admitted as soon as an appropriate opening becomes available.

Families whose annual incomes exceed the income limit will be denied admission and offered an informal review.

#### **2.4.1 Income Limits for Other Programs**

Periodically, HUD has provided funding to the LACDA for projects involving preservation opt-outs and/or the expiration of a project based Section 8 contract. HUD provides the income limits applicable to those projects through specific

regulation. The LACDA will follow HUD directives in determining admissions for such programs.

## **2.5 ELIGIBILITY OF STUDENTS**

### **[24 CFR §5.612]**

The student rule applies to all individuals enrolled as a full or part-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential, except for a student who is living with his/her parents who are applying for or receiving section 8 assistance.

No assistance shall be provided to any individual that meets the following criteria:

- Is enrolled as a student at an institution of higher education, as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002);
- Is under 24 years of age;
- Is not a veteran of the United States military;
- Is unmarried;
- Does not have a dependent child;
- Is not a person with disabilities, as such term is defined in section 3(b)(3)(F) of the United States Housing Act of 1937 and was not receiving assistance under such section 8 as of November 30, 2005; and
- Is not otherwise individually eligible (determined independent from his or her parents. See section 1.23 Terminology, Independent Student Status definition), or has parents, who individually or jointly, are not eligible on the basis of income to receive assistance.

Unless the student is determined independent from his or her parents, the eligibility of a student seeking assistance will be based on both the student and the parents being determined income eligible for assistance or whether the student's parents, individually or jointly, are income eligible for assistance. Both the student's income and the parents' income must be separately assessed for income eligibility.

## **2.6 CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS**

### **[24 CFR §982.201(a) and §5.508]**

Eligibility for assistance is contingent upon a family's submission of evidence of citizenship or eligible immigration status. In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Each family member, regardless of age, must submit a signed declaration of U.S. citizenship or eligible immigration status. The LACDA may request verification of the declaration according to verification guidelines detailed in Chapter 7.

The citizenship/eligible immigration status of each member of the family is considered individually before the family's status is defined.

This requirement does not apply to foster children or live-in aides.

### **2.6.1 Mixed Families**

#### **[24 CFR §5.504]**

An applicant family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. A family that includes eligible and ineligible individuals is called a “mixed family.” Mixed family applicants will be given notice that their assistance will be prorated and that they may request a hearing if they contest this determination.

### **2.6.2 No Eligible Members**

#### **[24 CFR §982.552(b)(4)]**

The LACDA is required to deny admission if no member of the family is a U.S. citizen or eligible immigrant. Families will be provided the opportunity to appeal the decision in an informal review.

## **2.7 SOCIAL SECURITY NUMBER VERIFICATION REQUIREMENTS**

### **[24 CFR §5.216(a)]**

Applicant families are required to provide verification of Social Security numbers for all family members prior to admission. If the applicant family is unable to comply with this requirement, they may retain their place on the waiting list but cannot become a participant until it can provide Social Security numbers for each member of the household.

If a child under the age of 6 years was added to the applicant household within the 6-month period prior to voucher issuance, the applicant may become a participant, so long as Social Security number verification is provided within 90-calendar days from the date of admission (HAP effective date). One additional 90-day extension must be granted, if the PHA determines (in its discretion) that the delay in providing verification is a result of uncontrollable circumstances.

The social security number verification requirement also applies to persons joining the family after the admission to the program.

The following individuals are exempt from the Social Security requirement:

- Individuals that were 62 years of age as of January 31, 2010 and that were determined eligible for the program on or before that date.
- Individuals not contending eligible immigration status.

Families who refuse to furnish verification of Social Security numbers will be denied admission to the program.

## **2.8 DENIALS OF ASSISTANCE**

### **[24 CFR §982.552 – §982.553]**

This section includes HUD-required mandatory screening standards that lead to the denial of assistance, as well as discretionary standards allowed by HUD to deny assistance.

These guidelines apply to applicant families, and new members being added to the household of a family currently participating in a rental assistance program administered by the LACDA. The LACDA also screens families transferring under the portability option into its jurisdiction from other housing authorities, as authorized at 24 CFR §982.355(c)(9) and §982.355(c)(10).

### **2.8.1 Mandatory Denial of Assistance**

#### **[24 CFR §982.553(a)]**

HUD regulations requires that the LACDA deny assistance in the following cases:

1. Any member of the household has been evicted from federally assisted housing in the last 3 years for drug-related criminal activity. HUD permits, but does not require, the PHA to admit an otherwise-eligible family if the household member has completed a PHA-approved drug rehabilitation program or the circumstances which led to the eviction no longer exists (e.g. the person involved in the criminal activity no longer lives in the household).

As permitted by HUD, the LACDA will make an exception under the following circumstances:

- If the LACDA is able to verify that the household member who engaged in the criminal activity has successfully completed a supervised drug rehabilitation program after the date of the eviction.
  - If the individual that committed the crime is no longer living in the household.
  - If the circumstances leading to the eviction no longer exist (i.e. the individual responsible for the original eviction is imprisoned or is deceased).
2. Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing.
  3. The LACDA determines that any household member is currently engaging in the illegal use of a drug.
  4. The LACDA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
  5. Applicant(s) subject to a lifetime sex offender registration requirement.

The LACDA is required to deny admission if the applicant or any household member is subject to lifetime registration as a sex offender under a state registration program, regardless of longevity of conviction or completion of any rehabilitative program.

## **2.8.2 Other Permitted Reasons for Denial of Assistance**

The LACDA has the discretion to apply the following criteria, in addition to the HUD eligibility criteria, as grounds for denial of admission to the program.

### **1. Criminal Activity [24 CFR §982.553(a)(2)(ii)]**

HUD permits, but does not require, the LACDA to deny assistance if the LACDA determines that any household member is currently engaging in, or has engaged in during a reasonable time before the family would receive assistance, certain types of criminal activity.

For Fiscal Year 2017-2018, the LACDA removed its discretionary Criminal Activity prohibitions permitted under 24 CFR 982.553 and deleted them from this section. The LACDA will reevaluate this policy to be consistent with Board adopted revisions to the LACDA's Homeless preference.

### **2. Previous Behavior in Assisted Housing [24 CFR §982.552(c)]**

HUD authorizes the LACDA to deny assistance based on the family's previous behavior in assisted housing. The LACDA will screen applicants for the following behaviors as follows:

- The family, or any household member, must not have violated any family obligations during a previous participation in a federally assisted housing program. The LACDA will review situations, on a case-by-case basis, for violations that occurred in the last 12 months.
- The family, or any household member, must not have engaged in serious lease violations while a resident of federally assisted housing or within the past 5 years had been evicted from a federally assisted housing program.
- The family, or any household member, must not be a past participant of any Section 8 or public housing program who has failed to satisfy liability for rent, damages or other amounts to the LACDA or another public housing agency, including amounts paid under a HAP contract to an owner for rent, damages, or other amounts owed by the family under the lease.

On a case-by-case basis, the LACDA will consider the nature of the debt and the amount of the debt. The LACDA may provide the applicant the opportunity to repay any such debt in full as a condition of admissions. The LACDA will not enter into a repayment agreement for this purpose.

- No family household member may have engaged in or threaten abusive or violent behavior toward LACDA personnel.

**“Abusive or violent behavior”** includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for denial of admission.

**“Threatening”** refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

Actual physical abuse or violence will always be cause for denial.

- The family, or any household member, must not supply false, inaccurate or incomplete information on any application for federal housing programs, including public housing and Section 8. The family may be denied for a period not to exceed 2 years from the date of such a determination by the LACDA that information which was provided was false, inaccurate or incomplete, provided that no further cause for denial exists [24 CFR §982.552(c)(2)(i)].
- The LACDA will deny admission if the applicant or any household member has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program. The LACDA may make an exception in determining admission if the family member(s) who participated or were culpable for the action do not reside in the assisted unit.
- The LACDA will not deny admission to an otherwise eligible family because the family previously failed to meet its obligations under the Family Self-Sufficiency (FSS) program.

### **2.8.3 Consideration of Circumstances**

#### **[24 CFR §982.553(C)(2)]**

HUD authorizes the LACDA to consider all relevant circumstances when deciding whether to deny assistance based on a family’s past history except in the situations for which denial of assistance is mandatory. In accordance with PIH Notice 2015-19, the LACDA will not use an arrest record or police report as the sole basis for a decision.

When considering the circumstances of the case, the LACDA will consider the following factors prior to making its decision:

- The seriousness of the case, especially with respect to how it would affect other residents.
- The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or a victim of domestic violence, dating violence, sexual assault, stalking, as well as verbal, psychological, economic, or technological abuse.
- The length of time since the violation occurred, the family’s recent history and the likelihood of favorable conduct in the future.
- In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully. The LACDA will require the applicant to submit evidence of the household member’s current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

#### **2.8.4 Criminal Background Checks**

##### **[24 CFR §982.552 – §982.553, §5.903 – §5.905]**

The LACDA requests a criminal background check for all applicant household members (including live-in aides) 18 years of age and older. The criminal background check is used as a factor in screening applicants for criminal activities that would prohibit admission to the LACDA's Section 8 rental assistance programs.

All adult members of an applicant household must submit a signed Criminal Background Acknowledge and Consent [24 CFR §5.903(b)], authorizing the release of criminal conviction records from law enforcement agencies. Failure to sign the consent form will result in the denial of assistance.

The LACDA is additionally authorized by HUD to obtain access to sex offender registration information, in order to prevent program admission to any household member (including live-in aides) subject to a lifetime sex offender registration under a State sex offender registration program.

#### **2.8.5 Requests for Criminal Records by Owners of Covered Housing for the Purposes of Screening**

##### **[24 CFR §5.903(d)]**

Owners of covered housing may request that the LACDA obtain criminal records, on their behalf, for the purpose of screening applicants. The LACDA will charge a fee in order to cover costs associated with the review of criminal records. These costs could include fees charged to the LACDA by the law enforcement agency and the LACDA's own related staff and administrative cost.

Owners must submit the following items in order for the LACDA to process criminal records. Owner requests must include:

1. A copy of a signed consent form from each adult household members, age 18 years and older. Included in the consent form must be a legible name, the date of birth, a California Identification Number, and a Social Security number. This information will be used for the sole purpose of distinguishing persons with similar names or birth dates.
2. An owner's criteria or standards for prohibiting admission of drug criminals in accordance with HUD regulations (§ 5.854 of 24 CFR Parts 5 et al.), and for prohibiting admission of other criminals (§ 5.855 of 24 CFR Parts 5 et al.).

Once the LACDA obtains criminal records, a determination will be made as to whether a criminal act, as shown by a criminal record, can be used as a basis for applicant screening. The LACDA will base its determination in accordance with HUD regulations and the owner criteria. If the owner's criteria conflicts with HUD regulations, the regulations will have precedence.

It is important to note that the LACDA will not disclose the applicant's criminal conviction record or the content of that record to the owner.

### **2.8.6 Request for Criminal Records by Section 8 Project-Based Owners for the Purposes of Lease Enforcement or Eviction**

Section 8 project-based owners may request that the public housing agency in the location of the project obtain criminal conviction records of a household member on behalf of the owner for the purpose of lease enforcement or eviction. The owner's request must include the following:

1. A copy of the consent form, signed by the household member, and
2. The owner's standards for lease enforcement and evicting due to criminal activity by members of a household.

### **2.8.7 Confidentiality of Criminal Records**

#### **[24 CFR §5.903(g)]**

Criminal records received by the LACDA are maintained confidentially, not misused, nor improperly disseminated and kept locked during non-business hours. All criminal records will be destroyed no later than 30 calendar days after a final determination is made.

### **2.8.8 Disclosure of Criminal Records to Family**

The applicant or family member requesting to be added to the household will be provided with a copy of the criminal record upon request and an opportunity to dispute the record. Applicants will be provided an opportunity to dispute the record at an informal review. Participants may contest such records at an informal hearing [24 CFR §982.553(d)].

### **2.8.9 Explanations and Terms**

#### **[24 CFR §5.100]**

The following terms are used to determine eligibility when an applicant or a family member is added to an already assisted household and is undergoing a criminal background check.

- **“Covered housing”** includes public housing, project-based assistance under Section 8 (including new construction and substantial rehabilitation projects), and tenant-based assistance under Section 8.
- **“Drug”** means a controlled substance as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).
- **“Drug-related criminal activity”** means the illegal manufacture, dispensation, distribution, sale, use or possession of illegal drugs, with the intent to manufacture, dispense, distribute, sell or use the drug.
- **“Pattern”** is defined as the use of a controlled substance or alcohol if there is more than one incident during the previous 12 months. “Incident” includes but is not limited to arrests, convictions, no contest pleas, fines, and city ordinance violations.

- **“Premises”** is the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.
- **“Sufficient evidence”** may include all or a number of personal certification along with supporting documentation from the following sources 1) probation officer; 2) landlord; 3) neighbors; 4) social service workers; 5) review of verified criminal records.
- **“Violent criminal activity”** any activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage. (24 CFR §5.100)

## **2.9 SUITABILITY OF FAMILY**

### **[24 CFR §982.307(a)(2)]**

The LACDA may take into consideration any admission criteria listed in this chapter in order to screen applicants for program eligibility; however, it is the owner’s responsibility to screen applicants for family behavior and suitability for tenancy.

The LACDA will assist and advise applicants on how to file a complaint if they have been discriminated against by an owner.

## **2.10 DENYING ADMISSION TO INELIGIBLE FAMILIES**

### **[24 CFR §982.201(f)(1) and §982.552(a)(2)]**

Denial of assistance for an applicant family may include denying placement on the waiting list; denying or withdrawing a voucher; refusing to enter into a HAP contract or approve a lease; and refusing to process or provide assistance under portability procedures.

Families from the waiting list who are determined to be ineligible will be notified in writing of the reason for denial and given an opportunity to request an informal review if they do not agree with the decision. This policy also applies to incoming families from other housing authorities that have not yet received assistance in the LACDA’s jurisdiction. Please refer to Chapter 16 for more information on the informal review process.

## **2.11 PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING.**

### **[24 CFR Part 5, Subpart L]**

The Violence against Women Reauthorization Act of 2005 and 2013 (VAWA) prohibits denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, stalking, as well as verbal, psychological, economic, or technological abuse.

VAWA protections cover applicants when they are applying for admission to a covered housing program. VAWA protections are not limited to women. Victims of domestic violence, dating violence, sexual assault, stalking, as well as verbal, psychological, economic or technological abuse are eligible without regard to sex, gender identity, or sexual orientation. Victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age and HUD programs must also operate consistently with HUD's Equal Access Rule, which requires that HUD assisted programs are made available to all otherwise eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status.

### **2.11.1 Determining Eligibility for VAWA Protections**

VAWA prohibits housing providers from denying assistance or admission, terminating participation in, or evicting a tenant based on an adverse factor, if the adverse factor is determined to be a direct result of the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, stalking, as well as verbal, psychological, economic or technological abuse.

An adverse factor refers to any factor that can be used as a basis for denying admission, terminating assistance, or evicting a tenant. However, if a denial or termination of assistance or eviction is required by a federal statute, based on a particular adverse factor, the LACDA must comply with that statute, even if the adverse factor is a direct result of domestic violence, dating violence, sexual assault, stalking, as well as verbal, psychological, economic or technological abuse.

### **2.11.2 Notification Requirement**

#### **[24 CFR §5.2005(a)(1)(i)(ii) and §5.2005(a)(2)(i)(ii)]**

The LACDA acknowledges that a victim of domestic violence, dating violence, sexual assault, stalking, as well as verbal, psychological, economic, or technological abuse may have an unfavorable history (e.g., a poor credit history, a record of previous damage to a unit, a prior arrest record) that would warrant denial under the LACDA's regulations and policies. Therefore, the LACDA will provide all applicants with information about VAWA at the time they are denied housing assistance and at admission, specifically at the time the applicants are briefed for a voucher. provided an application for housing assistance. The LACDA will include information about VAWA in all notices of denial of assistance.

The VAWA information provided to applicants and participants will consist of the following documents:

- Form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation.
- Form HUD-5380, Notice of Occupancy Rights Under the Violence Against Women Act

### **2.11.3 Victim Documentation**

An applicant claiming that the cause of an unfavorable history is that a member of the applicant family is or has been a victim of domestic violence, dating violence, sexual assault, stalking, as well as verbal, psychological, economic, or technological abuse must provide documentation (1) demonstrating the connection between the abuse and the unfavorable history and (2) naming the perpetrator of the abuse if safe to disclose. The documentation may consist of any of the following:

- A statement signed by the victim certifying that the information provided is true and correct and that it describes bona fide incident(s) of actual or threatened domestic violence, dating violence, sexual assault, stalking, as well as verbal, psychological, economic, or technological abuse.
- A record of a Federal, State, tribal, territorial or local law enforcement agency (such as a police report), court, or administrative agency documenting the domestic violence, dating violence, sexual assault, stalking, as well as verbal, psychological, economic, or technological abuse.
- Documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, a medical or mental health professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, stalking, as well as verbal, psychological, economic, or technological abuse or the effect of the abuse in which the professional attests under penalty of perjury to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and that the victim of domestic violence, dating violence, sexual assault, stalking, as well as verbal, psychological, economic, or technological abuse has signed or attested to the documentation. The victim must also sign the documentation.

The LACDA reserves the right to waive the documentation requirement if it determines that a statement of other corroborating evidence from the individual will suffice.

### **2.11.4 Perpetrator Documentation**

When the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

- A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the assisted unit.
- Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provide or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

### **2.11.5 Conflicting Documentation**

#### **[24 CFR §5.2007(b)(2)]**

In the case where the LACDA receives conflicting certification documents from two or more members of the household each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, the LACDA will determine which is the true victim by requiring third-party documentation within 30 calendar days in order to resolve the conflict.

If the applicants fail or refuse to provide third-party documentation where there is conflicting evidence, the LACDA does not have to provide the tenant(s) with the protections contained in Form HUD-5380 "Notice of Occupancy Rights under the Violence Against Women Act".

### **2.11.6 Time Frame for Submitting Documentation**

#### **[24 CFR §5.2007(a)(2)]**

The applicant must submit the required documentation with the request for an informal review. At the discretion of the LACDA, the 14-business day deadline may be extended. The LACDA will postpone scheduling the applicant's informal review until after it has received the documentation or the extension period has lapsed.

If after reviewing the documentation provided by the applicant, the LACDA determines that the family is eligible for assistance, no informal review will be scheduled and the LACDA will move forward with the admission of the applicant family.

### **2.11.7 VAWA Confidentiality**

#### **[24 CFR §5.2007]**

All VAWA information provided to the LACDA, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, stalking, as well as verbal, psychological, economic, or technological abuse shall be retained in confidence, and will not be entered into any shared database or provided to any related entity, except to the extent that disclosure is:

- Requested or consented to by the individual in writing to release the information on a time-limited basis;
- Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or
- Otherwise required by applicable law.

This includes keeping confidential the new location of the dwelling unit of the participant, if one is provided, from the person(s) that committed a VAWA crime against the applicant/participant.

## **Chapter 3:**

### **ADMINISTRATION OF THE WAITING LIST**

#### **3.1 INTRODUCTION**

##### **[24 CFR §982.54(d)(1)]**

This chapter describes the policies and procedures that govern the initial application, placement and denial of placement on the LACDA's waiting list. It is the LACDA's objective to ensure that the families are placed on the waiting list in the proper order so that an offer of assistance is not delayed to any family, or made to any family prematurely.

By maintaining an accurate waiting list, the LACDA will be able to perform the activities, which ensure that an adequate pool of qualified applicants will be available so that program funds are used in a timely manner.

#### **3.2 HOW TO REGISTER**

Interested persons may apply online at [www.lacda.org](http://www.lacda.org), or by calling the LACDA at (626) 262-4510 or (800) 731-4663.

##### **3.2.1 Preliminary Registration Waiting List**

##### **[24 CFR §982.204(b)]**

All families wishing to receive rental assistance through a LACDA rental assistance program are initially placed on the Preliminary Registration Waiting List. This is essentially an interest list. Families are placed on the Preliminary Registration Waiting List according to the LACDA's local preferences and then by date and time of registration. Preliminary information regarding the family's address, income, family composition, and disability status is collected. However, this information is not verified until the family is placed on the Active Waiting List. Applicants receive a confirmation letter that their name has been placed on the Preliminary Registration Waiting List.

##### **3.2.2 Active Waiting List**

When the LACDA determines that there is sufficient funding to issue additional vouchers, a pool of potential new applicants is drawn from the Preliminary Registration Waiting List. Families move onto the Active Waiting List according to the LACDA's admission policies. Once a family has been placed on the Active Waiting List, they will be asked to complete an application and provide all the necessary income and eligibility forms. At this point, all information will be confirmed through a third-party. Families must meet all admissions requirements to be issued a voucher.

##### **3.2.3 Change in Circumstances**

##### **[24 CFR §982.204(b)]**

Applicants are required to notify the LACDA in writing, within 30 calendar days, when their circumstances change, including any change of address, income or family composition.

### **3.2.4 Opening the Waiting List**

#### **[24 CFR §982.206(a)]**

When the LACDA opens its waiting list, it will give public notice by advertising in one or more of the following newspapers, minority publications, and media entities.

- Los Angeles Times
- La Opinion
- The Daily News
- International Daily News
- L.A. Sentinel
- Press Telegram
- Southwest Wave
- The Daily Breeze

The LACDA's public notice will contain:

- The dates, times, and locations where families may apply;
- The programs for which applications will be taken;
- A brief description of the program(s);
- A statement that public housing residents must submit a separate application if they want to apply to a rental assistance program;
- Any limitations on who may apply; and
- The Fair Housing Logo.

The notice will provide potential applicants with information that includes the LACDA's telephone number, website address, location address, information on eligibility requirements, and the availability of local preferences, if applicable. The notice will be made in an accessible format to persons with disabilities if requested.

Additional time for submission of an application after the stated deadline will be given as a reasonable accommodation at the request of a person with a disability.

### **3.2.5 Criteria Defining Who May Apply**

#### **[24 CFR §982.206(b)(1)]**

Upon opening the waiting list, the LACDA will disclose the criteria defining what families may apply for assistance under a public notice.

### **3.2.6 Closing the Waiting List**

#### **[24 CFR §982.206(c)]**

When the LACDA closes the waiting list, the same advertising methods described above will be used.

Notification of impending closure will be provided to the public for a minimum of 30 calendar days.

### **3.3 TIME OF SELECTION**

#### **[24 CFR §982.204(d)]**

When funding is available, families will be selected from the waiting list based on the LACDA's admission policies.

If the LACDA ever has insufficient funds to subsidize the unit size of the family at the top of the waiting list, the LACDA will not admit any other applicant until funding is available for the first applicant.

However, families may be skipped over to meet HUD-mandated income targeting requirements [24 CFR §982.201(b)]. See Section 2.4 (Income Limitations) for details.

### **3.4 CROSS-LISTING OF PUBLIC HOUSING AND SECTION 8 WAITING LISTS**

#### **[24 CFR §982.205(a)]**

The LACDA does not merge the waiting lists for public housing and Section 8. However, if the Section 8 waiting list is open when the applicant is placed on the public housing list, the LACDA must offer to place the family on the Section 8 waiting list. If the public housing waiting list is open at the time an applicant applies for Section 8 rental assistance, the LACDA must offer to place the family on the public housing waiting list.

### **3.5 PURGING THE WAITING LIST**

#### **[24 CFR §982.204(c)]**

The waiting list will be updated as needed to ensure that all applicants and applicant information is current and timely.

When the LACDA is actively conducting outreach to applicants on the waiting list, the notification of available housing opportunities will serve as verification and will be used to purge the waiting list.

To update the waiting list, the LACDA will send an notice of update request via first class mail to a select amount or to all families on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. The notice of update request will be sent to the last address that the LACDA has on record for the family. The notice of update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.

The family's response must be in accordance with LACDA's prescribed method. Methods will include but are not limited to, responses required via logging in and providing updates through LACDA's Applicant Registration Portal or by providing updates in writing. Responses in writing will require that the response be made via delivery in person, by mail, or by fax. Responses should be postmarked or received by the LACDA no later than 21 calendar days from the date of the LACDA notification.

If the family fails to respond within the time allotted, the family will be removed from the waiting list without further notice.

If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice.

If the notice is returned by the post office with a forwarding address, the notice will be resent to the address indicated. The family will have 21 calendar days to respond from the date the letter was re-sent.

If a family is removed from the waiting list for failure to respond, the Director of the Housing Assistance Division or designee may reinstate the family if it is determined that the lack of response was due to an administrative error, or to extenuating circumstances that are beyond the family's control. The family must be able to provide documentation of the circumstances for a decision to be rendered.

The decision to withdraw an applicant family that includes a person with a disability from the waiting list is subject to reasonable accommodation. If it is found that the applicant did not respond to the LACDA request for information or updates, and the LACDA determines that the family did not respond because of the family member's disability, the LACDA must reinstate the applicant family to their former position on the waiting list.

### **3.5.1 Removing Applicants from the Waiting List**

#### **[24 CFR §982.204(c) and §982.201(f)(1)]**

The LACDA is authorized to remove names of applicants that do not respond to requests for information or updates. The LACDA will remove an applicant's name from the waiting list when:

- The applicant does not notify the LACDA of changes in circumstances in accordance with section 3.2.3 of this plan. This includes undeliverable mail received by the Postal Service which is returned to the LACDA;
- The applicant falsifies documents or makes false statements for any reason;
- The applicant requests in writing that their name be removed; or
- The applicant does not meet either the eligibility or screening criteria for the program (see Chapter 2 and Chapter 4).

If a family is removed from the waiting list because the LACDA has determined the family is not eligible for assistance, a notice will be sent to the family's address on record. The notice will state the reason the family was removed from the waiting list and will inform the family how to request an informal review (Chapter 16).

### **3.6 APPLICATION POOL**

The waiting list will be maintained in accordance with the following guidelines:

1. The application will be a permanent file;
2. Applications equal in preference will be maintained by date and time; and
3. All applicants must meet eligibility requirements outlined in Chapter 2 (Admission Eligibility Factors and Applicant Requirements).



## Chapter 4:

### ADMISSION PROCESS

#### 4.1 INTRODUCTION

The policies outlined in this chapter are intended to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply. The primary purpose of the intake function is to gather information about the family so that an accurate, fair, and timely decision relative to the family's eligibility may be made. As such, applicants are placed on the waiting list in accordance with this plan.

#### 4.2 APPLICATION PROCEDURES

##### [24 CFR §982.204(c)]

Once the applicant is transferred from the Preliminary Registration Waiting List to the Active Waiting List, an application will be mailed to the applicant. The LACDA may require, issue, and/or receive applications for its program(s) through alternate mediums including electronically and/or via a Coordinated Access System. The application isApplications issued via mail and/or electronic mail will be due back within 21 ~~calendar~~ days from the date ~~it was mailed~~of mailing and/or emailing. If the application is returned undeliverable, the applicant will be cancelled from the waiting list (see section 3.7 for examples of exceptions to this rule).

Once an application is returned, the information provided by the applicant will be used to determine if the applicant is eligible for the program and any admissions preferences claimed.

If an applicant is ineligible based on the information provided on the application, or because they fail to return the documents by the due date, the applicant will be provided written notice of the reason for their disqualification and of their right to appeal the decision by requesting an informal review.

The application may capture the following information:

- Name of adult members and age of all members;
- Sex and relationship of all members;
- Street address and phone number;
- Mailing address;
- Amount(s) and source(s) of income received by household members;
- Information regarding disabilities relating to program requirements;
- Information related to qualification for preference(s);
- Social Security numbers;
- Race/ethnicity;

- Citizenship/eligible immigration status;
- Convictions for drug-related or violent criminal activity;
- Request for specific reasonable accommodation(s) needed to fully utilize program and services;
- Previous address;
- Current and previous landlords' names and addresses;
- Emergency contact person and address; and
- Program integrity questions regarding previous participation in HUD programs.

Applicants are required to inform the LACDA in writing within 30 calendar days of effective date of any changes in family composition, income, and address, as well as any changes in their preference status. Applicants must also comply with requests from the LACDA to update information. However, exceptions to this requirement may be found in section 3.7.

#### **4.2.1 Interview Sessions/Mailings**

The LACDA may use ~~both mailing and interview sessions~~ mail, electronic forms, and/or interview sessions to obtain income, asset and family composition information from applicants.

#### **4.2.2 Request for Information via Mail**

During times of high activity, the LACDA ~~will~~ may mail income and asset forms or an application to applicants. Applicants will be given 21 calendar days to complete and return all required forms. If forms are not returned in a timely manner, the applicant will receive a final notice. The final notice will provide an additional 15-day grace period. If the required forms are not returned, as specified, the application will be cancelled. The LACDA will provide additional time as a reasonable accommodation and in special circumstances such as an illness and/or death in the family.

#### **4.2.3 Application Interview Process**

During times for regular activity (average volume), the LACDA may ~~utilizes~~ a full application interview to discuss the family's circumstances in greater detail, to clarify information that has been provided by the applicant, and to ensure that the information is complete.

Applicants are given two opportunities to attend an interview session. If the applicant does not respond to the second invitation, the application is cancelled. The LACDA will allow for a third interview appointment as a reasonable accommodation and in special circumstances such as illness. An applicant may also request that the LACDA assign someone to conduct the interview at the applicant's home, as a reasonable accommodation.

All applicants must complete the following requirements [24 CFR §982.551(b)(1)].

1. At minimum, the head of household must attend the interview. The LACDA requests that all adult members of the applicant family attend when possible. This assures that all members receive information regarding their obligations and allows the LACDA to obtain signatures on critical documents quicker.
2. All adult members of the applicant family must sign the HUD-9886 Form (Authorization for the Release of Information), and all supplemental forms required by LACDA.
3. Citizen declaration forms must be completed for all applicant family members, regardless of age.
4. All adult members of the applicant family must complete and sign a Criminal Background Acknowledge and Consent Form.
5. Identification information for all members of the applicant family such as birth certificates, valid driver's licenses or State (Department of Motor Vehicles) ID cards, whichever is applicable based on the age of the family member, must be submitted for all members of the household regardless of age.

Information provided by the applicant will be verified, including citizenship status, full-time student status and other factors related to preferences, eligibility and rent calculation. Verifications must be received no more than 60 calendar days before the time of issuance.

If they are requested, exceptions for any of the above listed items will be reviewed on a case-by-case basis. Exceptions will be granted based upon hardship. Reasonable accommodations will be made for persons with disabilities. In these cases, a designee will be allowed to provide some information, but only with permission of the person with a disability.

Under both processes, all local preferences claimed on the application while the family is on the waiting list will be verified. Preference is based on current status, so the qualifications for preference must exist at the time the preference is verified, regardless of the length of time an applicant has been on the waiting list.

#### **4.2.4 Secondary Reviews/Credit Reports**

##### **[24 CFR §982.551(b)(1)]**

The LACDA may retrieve credit reports for applicants and participants on a case-by-case basis. The information contained in the credit report will be used to confirm the information provided by the family. Specifically, the credit report will be used to confirm:

- **Employment**: A credit report will list any employers that the applicant has listed in any recent credit applications. If the credit report reveals employment, for any adult household member, within the last 12 months that was not disclosed, the family will be asked to provide additional documents to clear up the discrepancy. Failure to disclose current employment may result in cancellation of the family's application.
- **Aliases**: A credit report can provide information on other names that have been used for the purposes of obtaining credit. Common reasons for use of

other names include a recent marriage or a divorce. If an alias has not been disclosed to the LACDA, the family will be asked to provide additional evidence of the legal identity of adult family members.

- **Current and previous addresses:** A credit report can provide a history of where the family has lived. This is particularly important because the LACDA provides a residency preference. If the family has provided one address to the LACDA and the credit report indicates a different address, the family will be asked to provide additional proof of residency. This may include a history of utility bills, bank statements, school enrollment records for children, credit card statements or other relevant documents. Failure to provide adequate proof will result in the denial of a residency preference.
- **Credit card and loan payments:** A credit report will usually include a list of the family's financial obligations. Examples of the items that may show up include car loans, mortgage loans, student loans and credit card payments. The LACDA will review this information to confirm the income and asset information provided by the family. If the family's current financial obligations (total amount of current monthly payments) exceed the amount of income reported by the family, the LACDA will ask the family to disclose how they are currently meeting their financial obligations. Accounts that have been charged off or significantly delinquent are not included in this calculation. Failure to provide adequate proof of income will result in termination of the application.
- **Multiple Social Security numbers:** A credit report may list multiple Social Security numbers if an adult family member has used different Social Security numbers to obtain credit. If the credit report information does not match the information provided by an adult member of the family, the family member will be required to obtain written confirmation of the Social Security number that was issued to him/her from the Social Security Administration.

A family will not be issued a voucher until all discrepancies between the information provided by the applicant family, and the information contained in the credit report have been cleared by the applicant family.

When discrepancies are found, the family will be contacted by telephone or by mail. The family will be provided 15 calendar days to provide the documentation necessary to clear discrepancy. At the family's request, and additional 15 calendar days may be granted.

The family may be granted additional time under a reasonable accommodation. If additional time is granted, the family will receive a letter confirming the new deadline.

When the credit report reveals multiple discrepancies that are not easily communicated over the telephone, the LACDA will set up a face-to-face interview with the applicant. The LACDA will schedule up to two interview appointments. An additional interview may be scheduled as a reasonable accommodation. Failure to appear at the interview session will result in cancellation of the application.

Additionally, failure to provide the necessary information will result in cancellation of the application.

### **4.3 SELECTION AND FUNDING SOURCES**

#### **4.3.1 Special Admission (24. CFR 982.203)**

HUD may award funding for specifically-named families living in specified types of units. The following are examples of types of program funding that may be designated by HUD for families living in a specified unit:

1. A family displaced because of demolition or disposition of a public or Indian housing project;
2. A family residing in a multifamily rental housing project when HUD sells forecloses or demolishes the project;
3. For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990;
4. A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the contract term; and
5. A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

In these cases, the LACDA may admit such families whether or not they are on the waiting list, and if they are on the waiting list, without considering the family's position on the waiting list. These families are considered non-waiting list selections. The LACDA must maintain records showing that families were admitted with special program funding.

#### **4.3.2 Conversion of Multifamily Apartment Complex (OPT-OUT):**

HUD may allocate funding to provide Housing Choice Voucher (HCV) tenant-based rental assistance for families residing in a HUD project-based subsidized multifamily apartment complex to coincide with the expiration of HUD's Subsidy Contract with the owner. Participants are admitted under targeted funding provisions and must meet applicable verification and eligibility requirements.

This may also include families residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term.

#### **4.3.3 Targeted Funding (24 CFR 982.204(2))**

HUD may award the LACDA funding for a specified category of families on the waiting list. The LACDA must use this funding only to assist the families within the specified category. In order to assist families within a targeted funding category, the LACDA is permitted to skip families that do not qualify within the targeted category. Within this category of families, the order in which such families are assisted is determined according to the policies in Section 4.4 below.

The LACDA administers the following targeted funding programs:

- Veteran Affairs Supportive Housing (VASH) Program – VASH Program vouchers are awarded to eligible homeless veterans and their families in combination with case management and clinical services through the Department of Veterans Affairs Medical Center (VAMC) supportive services sites. The LACDA does not maintain a waiting list for the VASH Program.

- Non-Elderly Disabled (NED) Vouchers – NED vouchers are awarded to non-elderly disabled families on the HCV waiting list.
- Mainstream for Persons with a Disability- Mainstream vouchers are awarded to non-elderly disabled families on the HCV waiting list. The LACDA applies local preferences in determining the order in which Mainstream vouchers are awarded to eligible families.
- Family Unification Program (FUP) – FUP vouchers are awarded to families who are referred to the LACDA by the Los Angeles County Department of Children and Family Services. Once referred, the LACDA places FUP applicants on its HCV waiting list. See Chapter 18 Special Programs, Specifically Section 18.4.

As provided by Section 8 Administrative Plan Section 1.3 Addition of Programs, the LACDA will implement any applicable policies and procedures as may be required by participation in the program (and as may be approved by the Board) into this plan as if they were originally set forth herein. Specifics on the program will be added to the Section 8 Administrative Plan at the next scheduled revision.

#### **4.4 LOCAL PREFERENCES**

##### **[24 CFR §982.207]**

The LACDA is permitted to establish local preferences and to give priority to applicants that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits the PHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the PHA plan and the consolidated plan and must be based on local housing needs and priorities that can be documented by generally accepted data sources. All preferences will be subject to the availability of funds and all applicants will be required to meet all eligibility requirements.

The LACDA will first assist families that were assisted under the Housing Choice Voucher Program but were terminated from the program due to insufficient funding. Further and in accordance with 982.207(b), the LACDA is required to give priority for continued tenant-based assistance to a project-based family that chooses to terminate their lease after the first year of occupancy, has given the owner advanced written notice of their intent to vacate, has notified the LACDA and requested to move with continued tenant-based assistance, prior to moving and only if in good standing with the Project-Based unit owner.

California State Required Priority: In accordance with California Health and Safety Code §34322.2, the LACDA will give priority to families of veterans and members of the armed forces in each of the categories below.

Therefore, in accordance with HUD requirements, the LACDA's discretionary policies for its local preferences are below. The local preferences are weighted highest to lowest, in the following order:

1. **Emergency Housing Voucher (EHV) Super One-Time Limited Preference:** LACDA will grant up to 1,500 vouchers for families and individuals referred through the Continuum of Care (CoC) Coordinated Entry System (CES) that were found eligible under the LACDA's EHV program. To qualify for local preference eligibility, families and individuals must be holding an active EHV and must have not secured housing under an EHV-funded Housing Assistance Payment Contract for the first time.

On May 12, 2021, the LACDA accepted 1,964 EHV's as part of an allocation of 70,000 vouchers issued to public housing authorities nationwide by the U.S. Department of Housing and Urban Development (HUD). The EHV's were allocated as a part of the American Rescue Plan Act, intending to assist individuals and families most in need and for whom providing rental assistance will prevent the family's homelessness or having a high risk of housing instability. The LACDA was successful in utilizing its entire allocation of EHV's but has now found that a limited number of families and individuals are being adversely affected as a result of the LACDA's maximized allocation.

Applicants must meet all Housing Choice Voucher eligibility requirements and will be granted portability rights. Admission will be on a first come, first served basis and is subject to voucher availability.

2. **Homeless Preference:** LACDA will commit 100% of expected annual voucher attrition to assist Los Angeles County-based homeless persons and families.

Homeless persons and families must be referred for an application via the CoC, CES, and/or partner agencies under contract or Memorandum of Understanding with LACDA. Partner agencies must be participating in the homeless initiatives and may include those that assist homeless person's and families in a transitional or permanent supportive housing program supported by homeless initiatives. The referring agency must certify the homeless or housing status of those referred through the CoC CES.

Additionally, families already on the waiting list who declare themselves homeless, but not referred by partner agencies, must provide certification from a CoC CES and/or partner agencies under contract or the Memorandum of Understanding with LACDA. The number of families who can qualify for this preference will be limited to a number as annually determined by the LACDA.

Applicants must meet all eligibility requirements. Admission will be on a first come, first served basis and is subject to funding availability.

3. LACDA will commit up to 50 vouchers for victims of human trafficking referred via a partner agency under contract or Memorandum of Understanding with LACDA.

4. LACDA rental assistance program transfers approved by the Director for the following programs.
- Families that are currently served by the LACDA in a Continuum of Care funded, permanent supportive housing project and no longer need supportive services to maintain housing stability. To be eligible for consideration, the current participant must be in good standing in LACDA's Continuum of Care Permanent Supportive Housing Program projects. The sponsor agency providing services to the participant family must provide written certification that the family does not require permanent supportive housing services to maintain housing stability.
  - Youth that are currently served in the Family Unification Program (FUP) administered by the LACDA whose FUP voucher is expiring due to the 36-month statutory time limit. To be eligible for consideration, the youth must have been found eligible or exempted statutorily and have exhausted the 24-month extension under FUP. In addition, a written certification must be received from the Los Angeles County Department of Children and Family Services (DCFS) certifying that the youth will have a lack of adequate housing as a result of the expiration of FUP voucher and needs a tenant-based voucher to ensure uninterrupted housing assistance.
  - Families that are currently served by the LACDA Housing Opportunities for Persons with AIDS (HOPWA) funding.

All program transfer preference applicants must meet eligibility requirements for the HCV program in accordance with HUD and this plan.

5. Families who live or work in the jurisdiction in the following categories that are subject to the approval by the Executive Director:
- **Victims of Declared Disasters:** An admissions preference may be given to bona fide victims of declared disasters, whether due to natural calamity (e.g. earthquake), civil disturbance, or other causes recognized by the federal government. Victims must provide documentation to receive an admissions preference. Admissions preference may only be given within the allotted timeframe established by the federal government. If HUD provides specific funding, the LACDA will not exceed the allocated amount.
  - **Displacement Due to Government Actions:** Families or individuals who are certified as displaced due to the action of a federal government agency or local government agencies may be given an admissions preference.
6. Families that are homeless and are found eligible for a Violence Against Women Act, Emergency Transfer from the LACDA's Housing

Assistance Division and Housing Operations Division rental assistance programs, subject to voucher and funding availability.

7. Elderly households who live and/or work in the LACDA's jurisdiction. Elderly households must meet the definition of an elderly family and the residency requirements of Section 4.4.1.
8. **Jurisdictional Preference:** Families who live and/or work in the LACDA's jurisdiction will be admitted before families outside of the LACDA's jurisdiction.

**Date and Time of Registration:** Families will be selected from the waiting list based on the preferences for which they qualify, and then by date and time.

#### **4.4.1 Other Preferences**

If HUD requires that the LACDA provide certain preferences or target certain populations as a condition of receiving funding, or if specific preferences or targeting is required to meet the conditions of a particular Annual Contributions Contract (ACC) or HUD grant, such preferences and targeting requirements are considered to be incorporated into this Administrative Plan effective with the signing of the ACC or upon formal acceptance of the terms of the grant or funding by the LACDA Board of Commissioners, or by the Executive Director if so empowered by the Board.

#### **4.4.2 Verification of Preferences**

##### **[24 CFR §982.207(e)]**

**EHV Super One-Time Limited Preference:** To verify eligibility for this preference, LACDA staff must confirm that internal files reflect that families and individuals were found program eligible under the LACDA's EHV program, have an active LACDA EHV (must not be expired), and that the family and/or individual has not secured housing under a LACDA EHV-funded Housing Assistance Payment Contract for the first time.

**Residency Preference:** Applicants who are residing in the LACDA's jurisdiction at the time of selection from the waiting list, or have at least one adult member who works or has been hired to work in the LACDA's jurisdiction.

- In order to verify that an applicant is a resident, the LACDA will require documentation of residency as shown by the following documents: current rent receipts, leases, utility bills, employer or agency records, school records, driver's licenses, state identification or credit reports.
- In cases where an adult member of the household works or has been hired to work in the LACDA's jurisdiction, a statement from the employer will be required.
- At the LACDA's discretion, verification of residency may also include other documents, certifications, or declarations as needed to verify that a family lives or works in the jurisdiction.

**Homeless Preference:** Verification for an applicant's homeless status eligibility for the Homeless Preference must be certified through the

Coordinated Entry System via the Los Angeles Homeless Services Authority (LAHSA).

**Elderly Family Preference:** An elderly family is a family whose head (including co-head), spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.

**Veteran's Preference:** Acceptable documentation regarding veteran's status will include a DD-214 (discharge documents), proof of receipt of veteran's benefits, or documentation from the Veteran's Administration.

#### **4.4.3 Final Verification of Preferences**

##### **[24 CFR §982.207(e)]**

Preference information on applications will be updated as applicants are selected from the waiting list. At that time, the LACDA will obtain necessary verifications of preference at the interview and by third-party verification.

#### **4.4.4 Preference Denial**

If the LACDA denies a preference, the LACDA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal review. The applicant must request for an informal review in writing within 15 calendar days from the date of the notification. The request should also provide all information and documents supporting the applicant's request. If the preference denial is upheld as a result of the informal review, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

If the applicant falsifies documents or makes false statements in order to qualify for any preference, or for any other reason, they will be removed from the waiting list.

### **4.5 DENIAL OF ASSISTANCE**

#### **[24 CFR §982.204(c)(1) and §982.552]**

If an application is denied due to failure to attend the initial and final interviews, or for failure to provide eligibility related information, the applicant family will be notified in writing and offered an opportunity to request an informal review. If the applicant misses two scheduled meetings, the LACDA will cancel the application and remove the applicant's name from the waiting list.

The LACDA may at any time deny program assistance to an applicant family because of actions or failure to act by members of the family such as any member of the family to sign and submit consent forms for obtaining information.

The LACDA will not deny admission of an applicant who is or has been a victim of domestic violence, dating violence, sexual assault, stalking, as well as verbal,

psychological, economic, or technological abuse if the applicant otherwise qualifies for admission.

#### **4.6 FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY**

##### **[24 CFR §982.301]**

If the applicant family is determined to be eligible after all applicable paperwork has been reviewed, they will be invited to attend a briefing session at which time they will receive information regarding their rights and responsibilities and they will be issued a voucher. See Chapter 8 (Voucher Issuance and Briefings) for more detail information.



## **Chapter 5:**

### **SUBSIDY STANDARDS**

#### **5.1    INTRODUCTION**

##### **[24 CFR §982.402(a)]**

Program regulations require that the LACDA establish subsidy standards that determine the number of bedrooms needed for families of different sizes and compositions. Such standards must provide for a minimum commitment of subsidy while avoiding overcrowding. The standards in determining the voucher size must be within the minimum unit size requirements of HUD's Housing Quality Standards (HQS).

This chapter lays out the factors used in determining the voucher size issued to a family initially and when there is a move to a new unit, as well as the LACDA's procedures for handling changes in family size, selection of unit size that are different from the voucher size and requests for waivers.

#### **5.2    DETERMINATION OF VOUCHER SIZE**

##### **[24 CFR §982.402]**

Subsidy standards and determination of voucher bedroom size are based upon the number of family members who will reside in the assisted dwelling unit. All standards in this section relate to the number of bedrooms on the voucher, not the family's actual living arrangements.

The unit size on the voucher remains the same as long as the family composition remains the same.

As required by HUD, the LACDA's subsidy standards for determining voucher size shall provide for the smallest number of bedrooms needed to house a family without overcrowding. They will be applied consistently for all families of like size and composition, in a manner consistent with fair housing guidelines and HQS.

In accordance with HUD regulations, the unit size designated on the voucher should be assigned using the following LACDA subsidy standards, which are based on two persons per bedroom:

<b><u>Number of Household Members</u></b>	<b><u>Number of Bedrooms</u></b>
<b>1-2</b>	<b>1- bedroom</b>
<b>3-4</b>	<b>2- bedroom</b>
<b>5-6</b>	<b>3- bedroom</b>
<b>7-8</b>	<b>4- bedroom</b>
<b>9-10</b>	<b>5- bedroom</b>
<b>11-12</b>	<b>6- bedroom</b>

1. At issuance, the bedroom size assigned should not require more than two persons to occupy the same bedroom. The family may choose and live within a suitable unit in any grouping that is acceptable to the family, including using the living room for sleeping purposes.
2. Every household member is to be counted as a person in determining the family unit size [24 CFR §982.402(a)(4)-(6)]. Under this definition, household members include the unborn child of a pregnant woman; any live-in aides (approved by the LACDA to reside in the unit to care for a family member who is disabled or is at least 50 years of age); a full-time student who is away from the home attending school but who spends school recess in the unit, and a child who is temporarily away from the home because of placement in foster care. A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family.

**Note:** An approved live-in aide is counted in determining the voucher size. Occasional, intermittent, multiple, or rotating care givers typically do not meet the definition of a live-in aide. A live-in aide must reside with a family permanently for the family unit size to be adjusted in accordance with the subsidy standards [24 CFR §982.402(7)]. For exceptions to this policy, please see Section 5.3 below.

3. An additional bedroom may be assigned if approved under a waiver by the LACDA (see Section 5.3 below).
4. If the family decides to move, the LACDA will issue a voucher based on the family's current composition.

### **5.2.1 Maximum Unit Occupancy**

The maximum occupancy as determined by the LACDA is as follows:

<b><u>Number of Bedrooms</u></b>	<b><u>Maximum Occupancy</u></b>
<b>0- bedroom</b>	<b>2</b>
<b>1- bedroom</b>	<b>4</b>
<b>2- bedroom</b>	<b>6</b>
<b>3- bedroom</b>	<b>8</b>
<b>4- bedroom</b>	<b>10</b>
<b>5- bedroom</b>	<b>12</b>
<b>6- bedroom</b>	<b>14</b>

In cases where an additional person(s) joins the family and the family will continue to occupy the same rental unit, i.e. no move is involved; the LACDA will not consider the family to be over crowded if there are no more than two persons per bedroom or living/sleeping room, provided that the unit meets other HQS.

Changes to household composition must be made according to LACDA policy detailed in Section 12.5 (Changes in Family Composition).

The LACDA will not increase the family's voucher size due to additions where the family will continue to occupy the same unit, unless the family was residing in a unit larger than the voucher size. The appropriate voucher size will be applied at the annual reexamination.

If the LACDA determines that the family is overcrowded, a larger voucher will be issued to the family and the family must try to move into a larger size dwelling unit. If an acceptable unit is available for rental by the family, the LACDA must terminate the HAP contract in accordance with its terms.

### 5.3 **OCCUPANCY STANDARDS** WAIVER

#### **[24 CFR §982.402(b)(8)]**

The standards discussed above should apply to the vast majority of assisted families. However, in some cases, the LACDA may grant exceptions to the subsidy standards as a. Examples of possible exceptions that may be justified include but are not limited to:

1. The health of a family member.
2. A reasonable accommodation to a disability.

For households that receive approval for a live-in aide, an extra bedroom will be added to the voucher size the family qualifies for without the live-in aide.

Occasional, intermittent, multiple or rotating care givers typically do not meet the definition of a live-in aide and usually do not justify any exceptions to the subsidy standards. However, a family's composition or circumstances may warrant the provision of an extra bedroom to permit disability-related overnight care and allow the family equal use and enjoyment of the unit. The LACDA will consider these requests on a case-by-case basis.

Requests based on health-related reasons must be verified, in writing, by a doctor or other medical professional. The request must specify the reason for the request and how providing a larger bedroom size would improve or accommodate the disability and/or medical condition.

A Unit Supervisor who has not been involved in the initial determination will review the request, any prior determination and make a decision based on the specifics of the individual case (on a case-by-case basis). After the decision is made, a letter notifying the applicant or participant of the decision regarding the waiver will be sent by the reviewing supervisor.

Requests made as a reasonable accommodation will follow the reasonable accommodation policy as outlined in sections 1.9 and 7.11.10.

To request a larger voucher size than indicated by the subsidy standards for any other reason, the family must submit a written request within 15 calendar days of the LACDA's determination of bedroom size. The request must explain the need or justification for a larger bedroom size.

**5.4 EXCEPTIONS FOR FOSTER CHILDREN****[24 CFR §982.402(b)(8)]**

Exceptions will be made to accommodate foster children. The Los Angeles County Department of Family and Children Services (DCFS) has very specific housing guidelines that must be met by foster families. In order to assure that foster children are able to remain with designated Section 8 foster families, the LACDA will utilize the guidelines published by the Los Angeles County DCFS, or specified in a court order, in situations involving foster children.

**5.5 FLEXIBILITY OF UNIT SIZE ACTUALLY SELECTED****[24 CFR §982.402(d)]**

The family may select a dwelling unit with a different size than that listed on the voucher:

- Larger than the voucher size: The LACDA shall not prohibit a family from renting an otherwise acceptable unit because it is too large for the family, provided that the rent for the unit is comparable and the family's total rent contribution (rent to the owner plus any applicable utility costs) does not exceed 40 percent of the family's adjusted monthly income (applies only if the gross rent for the unit exceeds the payment standard).
- Smaller than the voucher size: The LACDA will allow families to request a waiver to rent an otherwise acceptable unit with fewer bedrooms than the voucher size, if the unit does not exceed maximum unit occupancy requirements.

**5.5.1 Calculating Assistance for a Different Unit Size**

To determine the family's maximum rent subsidy, the LACDA uses the payment standard for the voucher size or the selected unit size, whichever is lower [24 CFR §982.402(c)].

The utility allowance used to calculate the gross rent is based on the lower of the voucher size or the selected unit size. The LACDA may grant a higher utility allowance as a reasonable accommodation for a disabled family member, following the policies and procedures referenced in sections 1.9.1, 1.9.2 and 7.11.10.

## **Chapter 6:**

# **DETERMINING THE TOTAL TENANT PAYMENT AND THE ABSENCE POLICY**

### **6.1 INTRODUCTION**

This chapter explains how the Total Tenant Payment (TTP) is calculated at admission and during annual re-examinations. It covers LACDA and HUD standards used to calculate income inclusions and deductions.

This chapter also provides the LACDA's definition of absence of household members and explains how the presence or absence of household members can affect the TTP.

The policies outlined in this chapter address those areas, which allow the LACDA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

### **6.2 INCOME DEFINITIONS**

- **Total Tenant Payment (TTP)**: represents the minimum amount a family must contribute toward rent and utilities regardless of the unit selected. The TTP is the greater of:
  - 30 percent of monthly adjusted income;
  - 10 percent of monthly gross income; or
  - The LACDA's minimum rent of \$50.
- **Income**: The LACDA will include income from all sources, unless otherwise specifically exempted [24 CFR §5.609(c)] through program regulations, for the purposes of calculating the TTP. In accordance with this definition, income from all sources of each member of the household is counted.
- **Annual Income [24 CFR §5.609(a)]**: The gross amount of income anticipated to be received by the family during the 12 months after certification or re-examination. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income that has been excluded by HUD. Annual income is used to determine whether or not applicants are within the applicable income limits.
- **Adjusted Income [24 CFR §5.611]**: The annual income minus any HUD allowable deductions.

### **6.3 INCOME DEDUCTIONS**

#### **[24 CFR §5.611(a)]**

The following deductions will be applied in the TTP calculation:

- **Dependent Allowance**: \$480 each for family members (other than the head, co-head, or spouse), who are minors, and for family members who are 18 and older who are full-time students or who are disabled. This allowance does not apply to foster children.
- **Elderly Family or Disabled Family Allowance**: \$400 for families whose head, co-head, or spouse is 62 or over or disabled.
- **Childcare Expenses**: Deducted for children under 13, including foster children, when childcare is necessary to allow an adult member to work, search for work, or attend school (see below for details).
- **Allowable Medical Expenses**: Deducted for unreimbursed medical expenses for members of any elderly family or disabled family.
- **Disability Assistance Expenses**: Deducted for persons with disabilities if needed to enable the individual or an adult family member to work.

### 6.3.1 **Childcare Expenses**

#### **[24 CFR §5.603(b) and 24 CFR §5.611(a)(4)]**

Childcare expenses for children under 13 years of age may be deducted from annual income if they enable an adult to work, search for work, or attend school full time.

In the case of a child attending school, only care during non-school hours can be counted as childcare expenses.

Families will be given a childcare allowance based on the following guidelines:

1. **Childcare to Work**: The maximum childcare expense allowed must be less than the amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.
2. **Childcare to Search for Work**: Childcare expenses cannot exceed the current amount of income received.
3. **Childcare for School**: The number of hours claimed for childcare may not exceed the number of hours the family member is attending school (including one hour travel time to and from school).
4. **Amount of Expense**: The LACDA will determine local average costs as a guideline. If the hourly rate materially exceeds the guideline, the LACDA may calculate the allowance using the guideline.

### 6.3.2 **Medical Expenses**

#### **[24 CFR §5.611(a)(3)(i)]**

When it is unclear in the HUD rules as to whether or not to allow an item as a medical expense, IRS Publication 502 will be used as a guide.

The LACDA will allow as medical expense the actual out-of-pocket amounts which are owed and anticipated to be paid by the family during the re-

examination period. Expenses from the previous year may be analyzed to determine the amount to anticipate when other verification is not available.

Nonprescription medicines will be counted toward medical expenses for families who qualify if the family furnishes legible receipts.

Acupressure, acupuncture and related herbal medicines, and chiropractic services will be considered allowable medical expenses.

## **6.4 INCOME INCLUSIONS AND EXCLUSIONS**

### **6.4.1 Income Inclusions**

#### **[24 CFR §5.609(b)]**

The LACDA considers the following to be included in the family's annual income, as required by HUD:

- (1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
- (2) The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;
- (3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from net family assets or .81% of the value of such assets based on the current passbook savings rate, as annually determined by the LACDA;
- (4) The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, lotteries, disability or death benefits, and other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment (but see paragraph (13) under Income Exclusions);
- (5) Payments in lieu of earnings, such as unemployment, worker's compensation, and severance pay (but see paragraph (3) under Income Exclusions);
- (6) Welfare Assistance.
  - a. Welfare assistance received by the household.

- b. The amount of reduced welfare income that is disregarded specifically because the family engaged in fraud or failed to comply with an economic self-sufficiency or work activities requirement.
  - c. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustments by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare income to be included as income shall consist of:
    - (i) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
    - (ii) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage;
- (7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling;

Regular Contributions and Gifts [24 CFR §5.609(b)(7)]

Any contribution or gift received every 3 months or more frequently will be considered a "regular" contribution or gift from the same source. This includes payments made on behalf of the family such as payments for a car, credit card bills, rent and/or utility bills and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts.

If the family's expenses exceed its known income, the LACDA will question the family about contributions and gifts. If the family indicated that it is able to meet the extra expenses due to gifts or contributions from persons outside the household, the amount provided will be included in the family's TTP.

Alimony and Child Support [24 CFR §5.609(b)(7)]

If the amount of child support or alimony received is less than the amount awarded by the court, the LACDA must use the amount awarded by the court unless the family can verify that they are not receiving the full amount. Acceptable verification in such cases may include:

1. Verification from the agency responsible for enforcement or collection, and
2. Documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney.

It is the family's responsibility to supply a certified copy of the divorce decree.

- (8) All regular pay, special pay, and allowances of a member of the Armed Forces (whether or not living in the dwelling) who is head of the family, co-head, spouse, or other person whose dependents are residing in the unit (but see paragraph (7) under Income Exclusions).
- (9) Any financial assistance, in excess of amounts received for tuition and any other required fees and charges, that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 *et seq.*), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except that financial assistance described in this paragraph is not considered annual income for students who are living with their parents who are applying for or receiving assistance or persons over the age of 23 with dependent children. For the purpose of determining income, loan proceeds are not considered "financial assistance".
- (10) Any part of an athletic scholarship that can be used to cover housing costs must be included in the family's income.
- (11) The gross amount of Social Security (SS) and Supplemental Security Income (SSI) benefits.

#### **6.4.2 Income Exclusions**

##### **[24 CFR §5.609(c)]**

The LACDA considers the following to be excluded from the family's annual income, as required by HUD:

- (1) Income from employment of children (including foster children) under the age of 18 years;
- (2) Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the tenant family, who are unable to live alone);

Benefits received through the Kin GAP program, a California program designed specifically for foster children who have been placed in the home of a relative are considered foster care and should be excluded.

- (3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses (but see paragraph (5) under Income Inclusions);
- (4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- (5) Income of a live-in aide (as defined by regulation);
- (6) Subject to paragraph (9) in Income Inclusions, the full amount of student financial assistance paid directly to the student or to the educational institution;

- (7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- (8) (a) Amounts received under training programs funded by HUD;
  - (b) Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
  - (c) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
  - (d) A resident service stipend. This is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the owner, on a part-time basis, that enhances the quality of life in the development. This may include, but is not limited to fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time; or
  - (e) Incremental earnings and benefits resulting to any family member from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program.
- (9) Temporary, nonrecurring, or sporadic income (including gifts). For example, amounts earned by temporary census employees whose terms of employment do not exceed 180 days (Notice PIH 2000-1).
- (10) Reparations payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
- (11) Earnings in excess of \$480 for each full-time student 18 years or older (excluding the head of household, co-head, and spouse);
- (12) Adoption assistance payments in excess of \$480 per adopted child;
- (13) Deferred periodic payments of Supplemental Security Income, Social Security benefits and Veterans Affairs disability benefits that are received in a lump-sum payment or in prospective monthly payments;
- (14) Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;
- (15) Amounts paid by a state agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; and

- (16) Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the 1937 Act. A notice will be published in the Federal Register and distributed to PHAs identifying the benefits that qualify for this exclusion. Updates will be distributed when necessary. The following is a list of income sources that qualify for that exclusion:
- (i) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7U.S.C.2017(b));
  - (ii) Payments to volunteers under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5044(f) (1), 5058);
  - (iii) Certain payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));
  - (iv) Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
  - (v) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C.8624 (f));
  - (vi) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94–540, section 6);
  - (vii) The first \$2000 of per capita shares received from judgment funds awarded by the National Indian Gaming Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, and the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407–1408). This exclusion does not include proceeds of gaming operations regulated by the Commission;
  - (viii) Amounts of scholarships funded under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070), including awards under federal work-study programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu). For section 8 programs only (42 U.S.C. 1437f), any financial assistance in excess of amounts received by an individual for tuition and any other required fees and charges under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall not be considered income to that individual if the individual is over the age of 23 with dependent children (Pub.L. 109–115, section 327) (as amended);
  - (ix) Payments received from programs funded under title V of the Older Americans Act of 1965 (42 U.S.C.3056g);
  - (x) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund (Pub. L. 101–201) or any other fund established pursuant to the settlement in In Re Agent Orange Liability Litigation, M.D.L. No. 381(E.D.N.Y.);
  - (xi) Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96–420, 25 U.S.C. 1728) ;
  - (xii) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);
  - (xiii) Earned income tax credit (EITC) refund payments received on or after January 1, 1991, for programs administered under the United States Housing Act of 1937, title V of the Housing Act of 1949, section 101 of the Housing and Urban

Development Act of 1965, and sections 221(d)(3), 235, and 36 of the National Housing Act (26 U.S.C. 32(l));

(xiv) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95–433);

(xv) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C.12637(d));

(xvi) Any allowance paid under the provisions of 38 U.S.C. 1833(c) to children of Vietnam veterans born with spina bifida (38U.S.C. 1802–05), children of women Vietnam veterans born with certain birth defects (38 U.S.C. 1811–16), and children of certain Korean service veterans born with spina bifida (38 U.S.C. 1821).

(xvii) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602(c));

(xviii) Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C.2931 (a) (2));

(xix) Any amount received under the Richard B. Russell School Lunch Act (42 U.S.C. 1760(e)) and the Child Nutrition Act of 1966 (42 U.S.C. 1780(b)), including reduced-price lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC);

(xx) Payments, funds, or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f (b));

(xxi) Payments from any deferred U.S. Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts (42 U.S.C. § 1437a(b)(4));

(xxii) Compensation received by or on behalf of a veteran for service-connected disability, death, dependency, or indemnity compensation as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Pub.L. 111–269; 25 U.S.C. 4103(9)) to the definition of income applicable to programs authorized under the Native American Housing Assistance and Self-Determination Act (NAHASDA) (25U.S.C. 4101 et seq.) and administered by the Office of Native American Programs;

(xxiii) A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled Elouise Cobell et al. v. Ken Salazar et al., 816 F.Supp.2d 10 (Oct. 5, 2011 D.D.C.), for a period of one year from the time of receipt of that payment as provided in the Claims Resolution Act of 2010 (Pub. L. 111–291);

(xxiv) Any amounts in an “individual development account” as provided by the Assets for Independence Act, as amended in 2002 (Pub. L. 107–110, 42 U.S.C. 604(h) (4));

(xxv) Per capita payments made from the proceeds of Indian Tribal Trust Cases as described in PIH Notice 2013–30 “Exclusion from Income of Payments under Recent Tribal Trust Settlements”(25 U.S.C. 117b(a)); and

(xxvi) Major disaster and emergency assistance received by individuals and families under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93–288, as amended) and comparable disaster assistance provided by States, local governments, and disaster assistance organizations (42 U.S.C. 5155(d)).

- (17) Earned Income Disallowance for persons with disabilities [24CFR5.617]
  - (a) Initial 12-Month Exclusion [24CFR5.617(C)(1)]
  - (b) Second 12-Month Exclusion and Phase-In [24CFR5.617(C)2]
  - (c) Maximum 4-Year Disallowance [24 CFR 5.617(c)(3)]
- (18) The low-income subsidy (extra help) received to assist low-income persons in paying for their Medicare Prescription Drug Plan cost.
- (19) The payment amount of Social Security (SS) and Supplemental Security Income (SSI) benefits that are reduced due to prior overpayments.
- (20) Financial assistance received through the Veterans Retraining Assistance Program (VRAP) [24 CFR 5.609 (c)(6)].

#### **6.4.3 Earned Income Disallowance** **[24 CFR §5.617]**

When determining the annual income of a participant family that includes persons with disabilities, the determination must exclude an increase in annual income due to any of the following events:

- Employment by a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment.
  - A previously unemployed person is defined as a person who in the 12 months prior to employment has earned no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.
- An increase in income by a family member who is a person with disabilities and whose earnings increase during participation in an economic self-sufficiency program or other job-training program.
  - An economic self-sufficiency program is any program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work for such families.
- New employment or increased earnings by a family member who is a person with disabilities and who has received TANF benefits or services within the past 6 months.
  - If TANF is received in the form of monthly monetary maintenance, there is no minimum amount that must be received to be considered a participant in TANF.
  - If TANF is received in the form of one-time payments, wage subsidies and transportation assistance that add up to at least \$500 over a 6-month period, they would meet this requirement.

#### **6.4.4 Earned Income Disallowance Exclusion Time Periods** **[24 CFR §5.617(c)]**

1. **Initial 12-Month Exclusion:** During the initial 12-month exclusion period, the full amount of the increase in income due to employment or increase earnings is excluded. Once a family member is determined eligible for the earned income disallowance, the 24-calendar month period starts.
2. **Second 12-Months Exclusion:** During the second 12-month exclusion and phase-in period, the exclusion is reduced to half, or 50 percent, of the increase in income due to employment or increased earnings.
3. **Lifetime Limit:** A participant has a total lifetime limit of 24-consecutive months that begins once the initial exclusion is given after the qualifying event. No exclusion should be given after the lifetime limit has been reached.

## **6.5 FAMILY ASSETS**

### **[24 CFR §5.603(b)]**

#### **6.5.1 Included Assets**

- (1) Amounts in savings and checking accounts.
- (2) Stocks, bonds, savings certificates, money market funds and other investment accounts.
- (3) Equity in real property or other capital investments. Equity is the estimated current market value of the asset less the unpaid balance on all loans secured by the assets and reasonable costs (such as broker fees) that would be incurred in selling the assets.

In the absence of an estimate of liquidation costs or verification of actual liquidation costs from a real estate agent or broker, the LACDA will use a standard 8% of market value to determine such costs.

- (4) The cash value of trusts that may be withdrawn by the family.
- (5) IRA, Keogh and similar retirement savings accounts, even though withdrawal would result in a penalty.
- (6) Some contributions to company retirement/pension funds.

Contributions to company retirement/pension funds are handled as follows:

1. While an individual is employed, include as assets only amounts the family can withdraw without retiring or terminating employment.
2. After retirement or termination of employment, include any amount the individual elects to receive as a lump sum.

- (7) Assets, which although owned by more than one person, allow unrestricted access by the applicant.

- (8) Lump sum receipts such as inheritances, capital gains, lottery winnings, insurance settlements, and other claims.

Lump-sum additions to family assets, such as inheritances, insurance payments (including lump-sum payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses, are not included as income but may be included in assets.

Lump-sum payments caused by delays in processing periodic payments (unemployment or welfare assistance) are counted as income. Lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset. Deferred periodic payments which have accumulated due to a dispute will be treated the same as periodic payments which are deferred due to delays in processing.

The family's attorney fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered a lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

- (9) Personal property held as an investment such as gems, jewelry, coin collections, antique cars, etc.
- (10) Cash value of life insurance policies.
- (11) Assets disposed of for less than fair market value during the two years preceding certification or re-certification.

The LACDA must count assets disposed of for less than fair market value during the 2 years preceding certification or re-examination. The LACDA will count the difference between the market value and the actual payment received in calculating total assets.

Assets disposed of as a result of foreclosure or bankruptcy, separation or divorce are not considered to be assets disposed of for less than fair market value.

The LACDA's minimum threshold for counting assets disposed of for less than Fair Market Value is \$5,000. If the total value of assets disposed of within a 1-year period is less than \$5,000, they will not be considered an asset.

### **6.5.2 Excluded Assets**

- (1) Necessary personal property, except as noted in #9 above at Section 6.5.1.
- (2) Interest in Indian trust lands.
- (3) Assets that are part of an active business or farming operation.

If a household member's main occupation is the business from his/her rental property, the rental property is considered a business asset and therefore excluded. If a household member's rental property is considered

a personal asset and held as an investment, it is considered an included asset.

- (4) Assets not controlled by or accessible to the family and which provide no income for the family.
- (5) Vehicles especially equipped for the disabled.
- (6) Equity in owner-occupied cooperatives and manufactured homes in which the family lives.

## **6.6 CALCULATING INCOME AND FAMILY CONTRIBUTION**

### **6.6.1 "Minimum Rent" and Minimum Family Contribution**

#### **[24 CFR §5.630(a)(2)]**

Minimum family contribution in the LACDA's rental assistance programs is \$50 for all new contracts, including moves.

The LACDA will waive the minimum rent requirement in cases where the family documents that they do not currently have any source of income such as in the case of some homeless families. In such cases, the family will be re-evaluated in 3 months. All families are required to report changes in income within 10 calendar days.

### **6.6.2 Minimum Income**

There is no minimum income requirement. Families who report zero income may be required to complete an interim re-examination periodically, up to once a quarter, at the LACDA's discretion.

### **6.6.3 Averaging Income**

#### **[24 CFR §982.516(c) and 24 CFR §5.609(d)]**

When annual income cannot be anticipated for a full 12 months, the LACDA may annualize current income and conduct an interim re-examination if income changes.

If there are bonuses or overtime which the employer cannot anticipate for the next 12 months, bonuses and overtime received the previous year may be used.

Income from the previous year may be analyzed to determine the amount to anticipate when third-party or check-stub verification is not available.

If by averaging, an estimate can be made for those families whose income fluctuates from month to month, this estimate will be used so that the housing payment will not change from month to month.

The method used depends on the regularity, source and type of income.

### **6.6.4 Utility Allowance and Utility Reimbursement Payments**

#### **[24 CFR §982.517]**

The utility allowance is intended to help defray the cost of utilities not included in the rent and is subtracted from TTP to establish the family's rent to the owner. The allowances are based on rates and average consumption studies, not on a family's actual consumption. The LACDA will review the Utility Allowance Schedule on an annual basis and revise it if needed (10 percent increase or decrease).

The approved utility allowance schedule is given to families along with the voucher. The utility allowance is based on the lower of the family's voucher size or the actual unit size selected.

Where families provide their own range and refrigerator, the LACDA will establish an allowance adequate for the family to purchase or rent a range or refrigerator, even if the family already owns either appliance. Allowances for ranges and refrigerators will be based on the lesser of the cost of leasing or purchasing the appropriate appliance over a 12-month period.

If the utility allowance exceeds the family's TTP, the LACDA will provide a utility reimbursement payment for the family each month. The check will be made out directly to the family's head of household on record.

#### **6.6.5 Reduction in Welfare Assistance**

##### **[24 CFR §5.615]**

The LACDA will impute (count) welfare income not received by the family, if the welfare assistance was reduced specifically because of:

- Fraud;
- Failure to participate in an economic self-sufficiency programs; or
- Noncompliance with a work activities requirement.

Imputed welfare income is the amount that welfare benefits are reduced.

Imputed welfare income is not included in the family's annual income, if the family was not assisted at the time of the welfare sanction.

The LACDA will include in the family's annual income the amount of the imputed welfare income plus the total amount of other annual income and the family's rent will not be reduced.

However, the LACDA will reduce the rent if the welfare assistance reduction is a result of any of the following:

- The expiration of a lifetime time limit on receiving benefits;
- The family has complied with welfare program requirements but cannot obtain employment; or
- The family member has not complied with other welfare agency requirements.

A family's request for rent reduction shall be denied upon the LACDA obtaining written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance.

**Offsets**

The amount of the imputed income is offset by the amount of additional income the family begins to receive after the sanction is imposed. The new income would be subtracted from the imputed welfare income. When the additional income equals or exceeds the imputed welfare income, the imputed income is reduced to zero.

**6.6.6 Prior Overpayment of Social Security (SS) and Supplemental Security Income (SSI)**

When there is a payment reduction due to prior overpayments, staff will use the net amount of the SS/SSI benefit to calculate annual income only for that period of time for which the reduction occurs.

**6.7 PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES****6.7.1 Applicability****[24 CFR §5.520(a)]**

Proration of assistance must be offered to any "mixed" applicant or participant family. A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

"Mixed" families that were participants on June 19, 1995, and that do not qualify for continued assistance must be offered prorated assistance. Mixed family applicants are entitled to prorated assistance. Families that become mixed after June 19, 1995 by addition of an ineligible member are entitled to prorated assistance.

**6.7.2 Prorated Assistance Calculation****[24 CFR §5.520(c)]**

Prorated assistance is calculated by determining the amount of assistance payable if all family members were eligible and multiplying by the percent of the family members who actually are eligible.

**6.8 ABSENCE POLICY**

The LACDA must compute all applicable income of every family member who is on the lease, including those who are temporarily absent. In addition, the LACDA must count the income of the spouse or the head of household if that person is temporarily absent, even if that person is not on the lease.

Income of persons permanently absent will not be counted. If the head of household or spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

It is the responsibility of the household to report absences and changes in family composition. The LACDA will evaluate absences from the unit using this policy [24 CFR §982.551(i)].

### **6.8.1 Absence of Entire Family**

#### **[24 CFR §982.312]**

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, the LACDA will terminate assistance in accordance with appropriate termination procedures contained in this plan.

Families are required both to notify the LACDA before they move out of a unit and to give the LACDA information about any family absence from the unit.

Families must notify the LACDA if they are going to be absent from the unit for more than 30 consecutive calendar days.

If the family fails to notify the LACDA of an absence of longer than 30 consecutive calendar days, or if the entire family is absent from the unit for more than 60 consecutive calendar days, the unit will be considered to be vacated and the assistance will be terminated. The LACDA at all times shall reserve the right to exercise its judgment regarding extensions on family absence from the unit on a case-by-case basis. However, HUD regulations require the LACDA to terminate assistance if the entire family is absent from the unit for a period of more than 180 consecutive calendar days.

"Absence of entire family" means that no family member is residing in the unit, and the unit has not been vacated. In order to determine if the family is absent from the unit, the LACDA may:

- Write letters to the family at the unit
- Telephone the family at the unit
- Interview the owner
- Interview neighbors
- Verify if utilities are in service
- Conduct an interim HQS Inspection

If the absence which resulted in termination of assistance was due to a person's disability, and the LACDA can verify that the person was unable to notify LACDA in accordance with the family's responsibilities, and if funding is available, the LACDA may reinstate the family as a reasonable accommodation if requested by the family.

### **6.8.2 Absence of Any Member**

#### **[24 CFR §982.312(a)]**

Any member of the household will be considered permanently absent if s/he is away from the unit for 180 consecutive calendar days except as otherwise provided in this chapter.

### **6.8.3 Absence Due to Medical Reasons**

#### **[24 CFR §982.312(e)(1)]**

If any family member leaves the household to enter a facility such as a hospital, nursing home, or rehabilitation center, the LACDA will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will return in less than 180 calendar days, the family member will not be considered permanently absent.

If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered to be permanently absent, out of the home and removed from the family composition.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the LACDA's "Absence of Entire Family" policy.

#### **6.8.4 Absence Due to Incarceration**

##### **[24 CFR §982.312(e)(1)]**

If the sole member of the household is incarcerated for more than 30 calendar days, s/he will be considered permanently absent and the LACDA will initiate proposed termination procedures to terminate assistance.

Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for 60 calendar days. Once a family member is removed from the family composition, the family must seek LACDA approval prior to allowing the family member to re-join the assisted household. Failure to adhere to this policy can result in termination of assistance.

The LACDA will determine if the reason for any family member's incarceration is for drug-related or violent criminal activity and, if appropriate, will pursue termination of assistance for the family if deemed appropriate.

#### **6.8.5 Foster Care and Absences of Children**

##### **[24 CFR §982.551(h)(4) and 24 CFR §982.551(e)(1)]**

If the family includes a child or children temporarily absent from the home due to placement in foster care, the LACDA will request information from the appropriate agency to determine when the child/children will be returned to the home.

If the time period is to be greater than 180 calendar days from the date of removal of the child/children, the voucher size may be temporarily reduced. If children are removed from the home permanently, the voucher size will be permanently reduced in accordance with the LACDA's subsidy standards.

#### **6.8.6 Absence of Adult**

##### **[24 CFR §982.312(e)]**

If neither parent remains in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the LACDA will immediately add the new caretaker to the household composition while eligibility is reviewed, including criminal background checks.

If the caretaker does not pass any portion of the LACDA's eligibility screening, including the criminal background check, the caretaker will be removed from the voucher. If no other caretaker is identified and the ineligible individual remains the caretaker for the children, the assistance will be terminated.

When the LACDA approves a person to reside in the unit as caretaker for the children, this person's income will be counted in the TTP for the family pending a final disposition. The LACDA will work with the appropriate service agencies and the owner to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than 180 calendar days, the person will be considered permanently absent.

If an adult family member leaves the household for any reason, the family must report the change in family composition to the LACDA within 30 calendar days.

The family will be required to notify the LACDA in writing within 30 calendar days when a family member leaves the household for any reason or moves out. The notice must contain a certification by the family as to whether the member is temporarily or permanently absent. The family member will be determined permanently absent if verification is provided.

If an adult child goes into the military and leaves the household, they will be considered permanently absent.

Time extensions may be granted as a reasonable accommodation upon request by a person with a disability.

#### **6.8.7 Students**

##### **[24 CFR §982.312(e)]**

Full time students who attend school away from the home and live with the family during school recess will be considered temporarily absent from the household. These family members will continue to be counted for the purpose of determining the family's appropriate voucher size.

#### **6.8.8 Visitors**

##### **[24 CFR §982.312(e)]**

Any person not included on the HUD-50058 who has been in the unit more than 30 calendar days, or a total of 60 calendar days in a 12-month period, will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of any other address will be considered verification that the visitor is a family member.

Statements from neighbors and/or the owner will be considered in making the determination.

Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.

The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member

of the family and the LACDA will terminate assistance since prior approval was not requested for the addition.

In a joint custody arrangement, if the minor is in the household less than 180 calendar days per year, the minor will be considered to be an eligible visitor and not a family member.

#### **6.8.9 Reporting Absences**

##### **[24 CFR §982.551(h)(3) and §982.551(i)]**

If a family member leaves the household, the family must report this change to the LACDA, in writing, within 30 calendar days of the change and certify as to whether the member is temporarily absent or permanently absent. When available to do so, an adult family member who is leaving the household should remove him/herself in writing from the lease and voucher family composition.

The LACDA will conduct an interim re-examination for changes, which may affect the TTP in accordance with the interim policy. See Section 12.5 (Changes in Family Composition) for more information.

#### **6.8.10 Verification of Absence**

Please refer to Section 7.11.4 (Verification of Permanent Absence of Adult Member).

## **Chapter 7:**

### **VERIFICATION PROCEDURES**

#### **7.1 INTRODUCTION**

**[24 CFR §5.240(c), 24 CFR §5.210, 24 CFR §982.551(b)]**

HUD regulations require the LACDA to verify factors of eligibility. Applicants and program participants must furnish proof of their statements whenever required by the LACDA, and the information they provide must be true and complete. The LACDA's verification requirements are designed to maintain program integrity. This chapter explains the LACDA's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and changes in household composition. The LACDA will ensure that proper authorization from the family is always obtained before making verification inquiries.

#### **7.2 METHODS OF VERIFICATION AND TIME ALLOWED**

The LACDA will use six levels of verification methods acceptable to HUD in the following order:

**Level Six: Up-Front Income Verification (UIV) using EIV** (highest priority): This level is mandatory and will be used when available

**Level Five: Up-Front Income Verification (UIV) using a non-HUD system** (highest priority): In cases where EIV is not available, this level will be used when possible.

**Level Four: Third-party written verification** (high priority): This verification level is defined as tenant-provided documents obtained from a third-party source. The documents must be authentic, original and computer-generated. Level Four is used:

- To support the information reported through EIV/UIV,
- When there is a discrepancy between EIV/UIV and tenant-reported income,
- When EIV or other forms of UIV are not available, the LACDA will accept authentic, original, computer-generated documents as verification of income, assets or other family circumstances.

**Level Three: Third-party written verification form** (medium-low priority). The LACDA will send verification forms to third party sources when:

- There is a discrepancy between EIV/UIV and tenant-reported income and the tenant disputes the information in EIV, or
- Verification levels six through four are unavailable.

**Level Two: Third-party oral verification** (low priority). This level will be used when sending verification forms to third-party sources under Level Three is not possible or the forms are not returned in a timely manner.

**Level One: Self-Declaration** (low priority). Certification/self-declaration verification will be the last level used if verification is not possible or able to be obtained using the higher levels of verification, the LACDA may allow up to 10 calendar days for the return of third-party verification forms before using the next verification level.

### **7.3 TIMELINESS OF VERIFICATIONS**

Verifications may not be received more than 60 calendar days before voucher issuance for applicants [24 CFR §982.201(e)]. However, a voucher may be issued to a participant family without updating verifications if the annual reexamination is current (within the last 12 months). Any reported changes that require an interim reexamination will be verified and processed before a voucher is issued.

All tenant-provided documents are current if dated within 60 days of the date of receipt. Please see section 7.9 for asset verification documents exceptions.

Exception for averaging income: When using consecutive verification documents to average income, such as consecutive pay stubs, only one of the documents must be dated within 60 days of the date of receipt if the documents are also the most recent received by the family.

#### **7.3.1 Up-Front Income Verification (UIV)**

The LACDA will utilize up-front income verification tools. The use of the Enterprise Income Verification (EIV) system is mandatory and will be used whenever possible. Other UIV systems, such as the LRS system for the Temporary Assistance of Needy Families (TANF) and Work Number, will be used whenever possible when EIV is unavailable.

If there is a difference in source of income or a substantial difference (\$2400 annually or \$200 monthly) in reported income between EIV verification and family-provided documents and the tenant disputes the discrepancy or cannot provide adequate documentation to validate the discrepancy, the LACDA shall follow the guidelines below:

- The LACDA will send written third-party verification forms to the discrepant income source.
- The LACDA may review historical income data for patterns of employment, paid benefits, and/or receipt of other income, when the LACDA cannot readily anticipate income, such as in cases of seasonal employment, unstable working hours, and suspected fraud.
- The LACDA will analyze all data (UIV data, third-party verification documents provided by the family and verification forms returned by the discrepant income source) and attempt to resolve the income discrepancy.
- The LACDA will use the most current information available to calculate the anticipated annual income.

In cases where UIV income data is different than tenant-reported income and the tenant does not dispute the discrepancy and can provide adequate

documentation to validate the discrepancy, the LACDA will use the written third-party documents provided by the family to calculate the anticipated annual income.

### **7.3.2 Third-Party Written Verification**

Third-party written verification is defined as original, authentic, computer-generated documents from a third-party source, but obtained from the family. All documents will be photocopied and retained in the family file. The LACDA will accept the following documents, among others, from the family, provided that the document is such that tampering would be easily noted:

- Printed wage stubs
- Computer print-outs from the employer
- Letters printed on official letterhead

Third-party written verification documents will be used to support the information reported through the UIV source or as primary verification when UIV is not available.

The LACDA will accept faxed documents, however a hard copy may be requested for verification

If at least two check stubs cannot be obtained to verify employment income, the LACDA will request third party verification directly from the source to support EIV data or as primary verification.

### **7.3.3 Third-Party Written Verification Forms**

Third-party verification forms will be sent directly to the source when a participant disputes a discrepancy on the UIV or cannot provide adequate documentation to validate the discrepancy, or when the LACDA rejects third-party written verification documents provided by the family.

The family will be required to sign an authorization for the information source to release the specified information.

Verifications received electronically directly from the source are acceptable. Written letters obtained from the source are acceptable under this level.

### **7.3.4 Third-Party Oral Verification**

Oral third-party verification will be used when written third-party verification forms are not possible or are delayed. When third-party oral verification is used, staff will be required to document the file, noting with whom they spoke, the date of the conversation, and the facts provided.

### **7.3.5 Self-Certification/Self-Declaration**

Self-certification, or “tenant declaration,” is used as a last resort when the LACDA is unable to obtain third-party verification.

When information cannot be verified by a third-party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to the LACDA.

The LACDA may require a family to certify that a family member does not receive a particular type of income or benefit.

Self-certification means a signed statement/affidavit/certification under penalty of perjury. This level may be used when:

1. UIV is unavailable; and
2. Third-party written documents cannot be provided by the family, and
3. Staff has made at least two documented efforts (mail, fax, telephone call, or email) to obtain third-party verification from the source and no response is received; or

An independent source does not have the capability of sending written third-party verification directly to the LACDA or does not facilitate oral third-party verification. Self-certification, however, is an acceptable form of verification when:

- A source of income is fully excluded
- Net family assets total \$5,000 or less and the LACDA has adopted a policy to accept self-certification at annual recertification, when applicable.
- The LACDA has adopted a policy to implement streamlined annual recertifications for fixed sources of income (See Chapter 12)

When the LACDA was required to obtain third-party verification but instead relies on a tenant declaration for verification of income, assets, or expenses, the family's file must be documented to explain why third-party verification was not available.

## **7.4 RELEASE OF INFORMATION**

### **[24 CFR §5.230]**

The family will be required to sign specific authorization forms when information is needed that is not covered by the HUD-9886 Form (Authorization for the Release of Information).

Each member requested to consent to the release of information will be provided with a copy of the appropriate forms for their review and signature.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance because it is a family obligation to supply any information requested by the LACDA or HUD.

## **7.5 COMPUTER MATCHING**

### **[24 CFR §5.210(a)]**

Where allowed by HUD and/or other State or local agencies, computer matching will be done.

#### **7.5.1 Data Sharing**

##### **[State of California Health and Safety Code, §34217]**

The LACDA will share applicant and participant information that is necessary to determine eligibility for County welfare department programs or services for which the client has applied or is receiving.

#### **7.5.2 Release of Information**

LACDA personnel, shall not release or otherwise make available HCV lists or any other confidential information to any outside organization or entity without the express written approval of the Executive Director, Deputy Executive Director, or their designee. This restriction on the release of HCV lists or any other confidential information shall also apply to all other divisions of the LACDA. To the extent information is released, such release(s) shall be in a manner consistent with section 33 of the Settlement Agreement United States v. Housing Authority of the County of Los Angeles, No.2:15-cv-5471 (C.D.Cal), applicable federal law governing the HCV Program and other Housing information. In the event that the LACDA provides information covered under this section, within 15 days, the LACDA will provide the following information to the Department of Justice.

1. The legitimate non-discriminatory purpose the information was provided for;
2. To whom the information was provided to; and
3. A copy of the information provided.

### **7.6 ITEMS TO BE VERIFIED**

#### **[24 CFR §982.551(b)]**

- All income not specifically excluded by the regulations.
- Zero-income status of household.
- Full-time student status including high school students who are age 18 or over.
- Current assets including assets disposed of for less than fair market value in preceding two years.
- Childcare expense where it allows an adult family member to be employed, seek employment or to further his/her education.
- Total medical expenses of all family members in households whose head, co-head, or spouse is elderly or disabled.
- Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus, which allow an adult family member to be employed.
- Identity.

- U.S. citizenship/eligible immigrant status.
- Social Security Numbers for all family members.
- Preference status, based upon local preferences.
- Displacement status of single applicants who are involuntarily displaced through no fault of their own.
- Familial/marital status when needed for head or spouse definition.
- Disability for determination of preferences, allowances or deductions.
- Enrollment in a Medicare prescription drug plan.
- The amount of Prescription drug benefits received.
- Actual or threatened incidents of domestic violence, dating violence, sexual assault, stalking, as well as verbal, psychological, economic, or technological abuse.

## **7.7 VERIFICATION OF INCOME**

### **[24 CFR §982.516(a)(2)(i)]**

This section defines the methods the LACDA will use to verify various types of income.

#### **7.7.1 Employment Income**

##### **[24 CFR §5.609(a) and § 5.609(b)(1)]**

Acceptable methods of verification include, but are not limited to the following:

1. Enterprise Income Verification (EIV) system, or if EIV is unavailable, other Up-Front Income Verification (UIV) tools, such as Work Number.
2. At minimum 2 check stubs or an earnings statement, which indicate the employee's gross pay, frequency of pay or year-to-date earnings or W-2 forms to supplement EIV data or as primary verification in the event EIV or other UIV tools are unavailable.
3. Employment verification form completed by the employer.
4. Income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.

Verification forms request the employer to specify the:

- Dates of employment
- Amount and frequency of pay
- Date of the last pay increase
- Likelihood of change of employment status and effective date of any known salary increase during the next 12 months
- Year-to-date earnings

- Estimated income from overtime, tips, bonus pay expected during next 12 months

In cases where there are questions about the validity of information provided by the family, the LACDA will send third-party verification forms to the employer and may require the most recent federal income tax statements.

#### **7.7.2 Social Security, Pensions, Disability, Supplementary Security Income**

##### **[24 CFR §5.609(b)(4)]**

Acceptable methods of verification include, but are not limited to the following:

1. Enterprise Income Verification (EIV) system.
2. Award or benefit notification letters prepared and signed by the providing agency.
3. Computer report electronically obtained or in hard copy.

The LACDA may request a complete Social Security Earnings Statement (SSA Form 7004) to resolve discrepancies with Social Security income

#### **7.7.3 Unemployment Compensation**

##### **[24 CFR §5.609(b)(5)]**

Acceptable methods of verification include, but are not limited to the following:

1. Enterprise Income Verification (EIV) System.
2. Computer printouts from unemployment office stating payment dates and amounts.
3. Payment stubs.

Unemployment and State Disability Insurance may no longer be verified through the Employment Development Department (EDD) [EDD Letter, 5/23/2006].

#### **7.7.4 Welfare Payments or General Assistance**

##### **[24 CFR §5.609(b)(6)]**

Acceptable methods of verification include, but are not limited to the following:

1. Leader Replacement System report for the Temporary Assistance of Needy Families (TANF)
2. Computer-generated Notice of Action.
3. LACDA verification form completed by payment provider.
4. Written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months.

#### **7.7.5 Alimony or Child Support Payments**

##### **[24 CFR §5.609(b)(7)]**

Acceptable methods of verification include, but are not limited to the following:

1. Computerized official printout of payments made if through a state agency.
2. Copy of latest check and/or payment stubs from Court Trustee. The LACDA must record the date, amount, and number of the check.
3. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
4. LACDA verification form completed by payment provider.
5. Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.
6. If payments are irregular, the family must provide at least one of the following:
  - A copy of the separation or settlement agreement or a divorce decree stating the amount and type of support and payment schedules.
  - A statement from the agency responsible for enforcing payments to show that the family has filed for enforcement.
  - A welfare notice of action showing amounts received by the welfare agency for child support.
  - A written statement from the District Attorney's office or other appropriate agency certifying that a collection or enforcement action has been filed.

The County of Los Angeles Child Support Services Department will no longer respond to written or oral third-party verification attempts by the LACDA. [See memo, 2/8/2007]

#### **7.7.6 Net Income from a Business**

##### **[24 CFR §5.609(b)(2)]**

In order to verify the net income from a business, the LACDA will view IRS and financial documents from prior years and use this information to anticipate the income and expenses for the next 12 months.

Acceptable methods of verification include, but are not limited to the following:

1. IRS Form 1040, including:
  - Schedule C (Small Business)
  - Schedule E (Rental Property Income)
  - Schedule F (Farm Income)
2. If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.

3. Audited or unaudited financial statement(s) of the business.
4. Third-party verification forms for each customer/contract indicating the amounts of income received in a specified time period.

Expenses for rent and utilities will not be allowed for operations or businesses based in the subsidized unit, as these expenses are a required family contribution in the Housing Choice Voucher Program and are calculated based upon the family's income.

#### **7.7.7 Child Care Business**

If a family is operating a licensed day care business, income and expenses will be verified as with any other business.

If the family is operating a cash and carry operation (which may or may not be licensed), the LACDA will require that the family complete a form for each customer which indicates: name of person(s) whose child/children is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.

If childcare services were terminated, third-party verification will be sent to the parent whose child was receiving childcare.

#### **7.7.8 Recurring Gifts**

##### **[24 CFR §5.609(b)(7)]**

The family must furnish a self-certification containing the following information:

- The person who provides the gifts
- The value of the gifts
- The regularity (dates) of the gifts
- The purpose of the gifts

#### **7.7.9 Zero-Income Status**

Families claiming to have no income may undergo a credit review. The information contained in the credit report will be used to confirm the information provided by the family. The LACDA will utilize records provided by the Department of Public Social Services (DPSS), and may check records of other departments in the jurisdiction that have information about income sources of customers, to confirm information provided by a family claiming to have zero income.

#### **7.7.10 Full-Time Student Status**

##### **[24 CFR §5.609(c)(11)]**

Only the first \$480 of the earned income of full-time students 18 years or older (including those who are temporarily absent), other than head of household, co-head, or spouse, will be counted towards family income.

Verification of full-time student status includes:

1. School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution;
2. A copy of final grades; or
3. Written verification from the registrar's office or other school official.
4. For 18 year-old high school students, verification of enrollment for the current academic year may include, but is not limited to a progress report, an attendance report or an enrollment letter from the school.

Due to administrative cost burden, the LACDA may no longer attempt to verify student enrollment in any educational institution that participates in the National Student Clearinghouse using written third party verification forms or oral third-party verification methods.

## **7.8 INCOME FROM ASSETS**

### **7.8.1 Savings Account Interest Income and Dividends**

#### **[24 CFR §5.609(b)(3)]**

Acceptable documents for verification include, but are not limited to the following:

1. Account statements, passbooks, certificates of deposit, or LACDA verification forms completed by the financial institution.
2. Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification.
3. IRS Form 1099 from the financial institution, provided that the LACDA must adjust the information to project earnings expected for the next 12 months.

### **7.8.2 Interest Income from Mortgages or Similar Arrangements**

#### **[24 CFR §5.609(b)(3)]**

Acceptable documents for verification include, but are not limited to the following:

1. A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown.)
2. Amortization schedule showing interest for the 12 months following the effective date of the certification or re-examination.

### **7.8.3 Net Rental Income from Property Owned by Family**

#### **[24 CFR §5.609(b)(3)]**

Acceptable documents for verification include, but are not limited to the following:

1. IRS Form 1040 with Schedule E (Rental Income).

2. Copies of latest rent receipts, leases, or other documentation of rent amounts.
3. Documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

## **7.9 VERIFICATION OF ASSETS**

### **[24 CFR §982.516(a)(2)(ii)]**

For families with net assets totaling \$5,000 or less, the LACDA will accept the family's self-certification of the value of family assets and anticipated asset income when applicable. The family's declaration must show each asset and the amount of income expected from that asset. All family members 18 years of age and older must sign the family's declaration. The LACDA will use third-party documentation for assets as part of the admissions process and whenever a family member is added to the household, to verify the individual's assets, and every three years thereafter.

For all other families, each must provide the LACDA with acceptable, written third-party documents to verify the value of or income from an asset. A written third-party verification document for an asset is considered current if at the time of receipt the document is:

- A monthly statement not more than 60 days old, or
- The most recent quarterly statement, or
- A savings passbook that has been updated by the financial institution within the last 60 days, or
- The most recent annual statement, or
- The most recent document or statement issued to the family, including but not limited to a closing escrow statement or closing bank statement.

### **7.9.1 Family Assets**

The LACDA will determine the current cash value, (the net amount the family would receive if the asset were converted to cash). Acceptable documents for verification include, but are not limited to the following:

1. Verification forms, letters, or documents from a financial institution or broker.
2. Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.
3. Quotes from a stockbroker or realty agent as to net amount family would receive if they liquidated securities or real estate.
4. Real estate tax statements if the approximate current market value can be deduced from assessment.

5. Software database or internet-based real estate valuation sites to determine the market value of real estate assets.
6. Financial statements for business assets.
7. Copies of closing documents showing the selling price and the distribution of the sales proceeds.
8. Appraisals of personal property held as an investment.
9. Verification forms from a financial institution or broker.

#### **7.9.2 Assets Disposed of for Less than Fair Market Value (FMV)**

##### **[24 CFR §5.603(b)(3)]**

This includes assets disposed of during 2 years preceding effective date of certification or re-examination:

1. For all certifications and re-examinations, the LACDA will obtain the family's certification as to whether any member has disposed of assets for less than fair market value during the 2 years preceding the effective date of the certification or re-examination.
2. If the family certifies that they have disposed of assets for less than fair market value, verification [or certification] is required that shows:
  - All assets disposed of for less than FMV;
  - The date they were disposed of;
  - The amount the family received; and
  - The market value of the assets at the time of disposition. Third-party verification will be obtained wherever possible.

#### **7.10 VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME**

##### **[24 CFR §5.611]**

##### **7.10.1 Childcare Expenses**

##### **[24 CFR §5.611(a)(4)]**

Acceptable documents for verification include, but are not limited to the following:

1. Verification documents the family obtained from the childcare provider that specify the child care provider's name, address, telephone number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.
2. Written verification form returned by the person or agency who receives the payments. The written verification form requests the amount charged

to the family for their services and whether any of the amounts owed have been or will be paid by sources outside the family.

3. Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

#### **7.10.2 Medical Expenses**

##### **[24 CFR §5.611(a)(3)]**

Families who claim medical expenses or expenses to assist a person(s) with a disability will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source.

Acceptable documents for verification include, but are not limited to the following:

1. Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of
  - The anticipated medical costs to be incurred by the family and regular payments due on medical bills, and
  - Extent to which those expenses will be reimbursed by insurance or a government agency.
2. Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
3. Written confirmation from the Social Security Administration's written of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.
4. For attendant care:
  - A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.
  - Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.
5. Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.
6. Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
7. Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. The LACDA may use this approach for general medical expenses such as non-prescription drugs and regular visits to doctors or dentists, but not for one-time, nonrecurring expenses from the previous year.

8. The LACDA will use mileage at the IRS rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

Medical expenses may not be verified through third party verification from Walgreen's Pharmacy [see memo dated 04/16/09].

### **7.10.3 Assistance to Persons with Disabilities**

#### **[24 CFR §5.611(a)(3)(ii)]**

1. The LACDA may require:
  - Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.
  - Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.
2. Attendant Care:
  - If the family pays for any portion of the attendant care expense, the attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided.
  - Certification of family and attendant and/or copies of canceled checks family used to make payments.
3. Auxiliary Apparatus:
  - Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.
  - In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

## **7.11 VERIFYING NON-FINANCIAL FACTORS**

### **[24 CFR §982.551(b)(1)]**

#### **7.11.1 Verification of Legal Identity**

In order to prevent program abuse, the LACDA will require applicants to furnish verification of legal identity for all family members.

The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is invalid or otherwise questionable, more than one of these documents may be required.

- Certificate of Birth, naturalization papers
- Church issued baptismal certificate

- Current, valid Driver's license
- U.S. military discharge (DD 214)
- U.S. passport
- Board approved Consulate General identification cards, which are currently Mexico's and Argentina's "Matricula Consular" identification cards
- Company/agency Identification Card
- Department of Motor Vehicles Identification Card
- Hospital records

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

- Certificate of Birth
- Adoption papers
- Custody agreement
- Health and Human Services ID

If acceptable verification of legal identity documents listed above are not available due to a declared disasters or emergencies, whether due to natural calamity (e.g., earthquake), civil disturbance, public health emergencies, or other cause recognized by the Local, State or Federal government, the LACDA may use for the initial leasing process a certified statement and/or documentation that the family has undertaken actions to obtain proper documentation. For these instances, the LACDA will obtain acceptable verification of legal identity at the time of processing the annual reexamination.

#### **7.11.2 Verification of Marital Status**

- Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer.
- Verification of a separation may be a copy of court-ordered maintenance or other records.
- Verification of marriage status is a marriage certificate.

#### **7.11.3 Familial Relationships**

The following verifications may be required if applicable:

- Verification of relationship:
  - Official identification showing names
  - Birth Certificates
  - Baptismal certificates
- Verification of guardianship:
  - Court-ordered assignment

- Verification from social services agency
- School records
  - Affidavit of parent
- Evidence of a stable family relationship:
  - Joint bank accounts or other shared financial transactions
  - Leases or other evidence of prior cohabitation
  - Credit reports showing relationship

#### **7.11.4 Verification of Permanent Absence of Adult Member**

If an adult member who was formerly a member of the household is reported permanently absent by the family, the LACDA may require one or more of the following as verification:

1. Husband or wife institutes divorce action.
2. Husband or wife institutes legal separation.
3. Order of protection/restraining order obtained by one family member against another.
4. Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement, if available.
5. Statements from other agencies such as social services or a written statement from the owner or manager that the adult family member is no longer living at that location.
6. If the adult family member is incarcerated, a document from the Court or prison should be obtained stating how long they will be incarcerated.
7. A statement by the adult member of the household removing him/herself from the lease and voucher household and providing a forwarding address and effective date of the move.

#### **7.11.5 Verification of Change in Family Composition**

##### **[24 CFR §982.516(c)]**

The LACDA may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, owners, neighbors, credit data, school or DMV records, and other sources.

#### **7.11.6 Verification of Disability**

##### **➤ Family Members Receiving SSA Disability Benefits**

Verification of the receipt of disability benefits from the Social Security Administration (SSA) is sufficient verification of disability for the purpose of qualifying for waiting list preferences (if applicable) or certain income disallowances and deductions [VG, p. 23].

For family members claiming disability who receive disability benefits from the SSA, the LACDA will attempt to obtain information about disability benefits through the HUD Enterprise Income Verification (EIV) system. If documentation from HUD's EIV System is not available the LACDA will request a current (dated within the last 60 days) SSA benefit verification letter from each family member claiming disability status. If the family is unable to provide the document(s), the LACDA will ask the family to request a benefit verification letter by either calling SSA at 1-800- 772-1213, or by requesting it from [www.ssa.gov](http://www.ssa.gov). Once the applicant or participant receives the benefit verification letter, they will be required to provide it to the LACDA.

➤ **Family Members Not Receiving SSA Disability Benefits**

Receipt of veteran's disability benefits, worker's compensation, or other non-SSA benefits based on the individual's claimed disability are not sufficient verification that the individual meets HUD's definition of disability in 24 CFR5.603.

For family members claiming disability who do not receive disability benefits from the SSA, written third-party verification by the appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehabilitation specialist, or licensed social worker, using the HUD language as the verification format must be provided. The written third-party verification (VOD) that the family member meets the HUD definition of disability must be clearly indicated. The knowledgeable professional ultimately will verify whether the family member does or does not meet the HUD definition.

**7.11.7 Verification of Citizenship/Eligible Immigrant Status**

**[24 CFR Part 5, Subpart E]**

To be eligible for assistance, individuals must be U.S. citizens, or non-citizens with eligible immigrant status based on the eligible categories specified by regulations. Individuals who are neither may elect not to contend their status. Each family member must declare their status once. If a family member reports a change to their citizenship status, only that member will be required to declare their updated citizenship status. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while the LACDA hearing is pending.

1. Citizens or Nationals of the United States: Required to sign a declaration under penalty of perjury [24 CFR §5.508(b)(1)].
2. Eligible Immigrants Age 62 and Over: Required to sign a declaration of eligible immigration status and provide proof of age [24 CFR §5.508(b)(2)].
3. All Other Eligible Immigrants: Required to sign a declaration of status and verification consent form, and to provide an acceptable document of eligible immigration as follows:
  - Resident Alien Card (I-551)

- Alien Registration Receipt Card (I-151) (With receipt for application of I-551)
- Foreign Passport with I-551 stamp
- Arrival-Departure Record (I-94) with no annotation accompanied by:
  - A final court decision granting asylum (if no appeal is taken);
  - A letter from an INS or USCIS asylum officer granting asylum (if application is filed on or after 10/1990) or from and INS director granting asylum (application filed before 10/1/90);
  - A court decision granting withholding of deportation; or
  - A letter from an asylum officer granting withholding of deportation (if application filed on or after 10/1/90).
- Arrival-Departure Record (I-94) stamped with one of the following:
  - “Admitted as a Refugee Pursuant to Section 207”
  - “Section 208” or “Asylum”
  - “Section 243(h)” or “Deportation stayed by Attorney General”
  - “Paroled Pursuant to Section 221(d)(5) of the INS (or USCIS)”
- Temporary Resident Card (I-688) annotated “Section 245A” or Section “210”
- Employment Authorization Card (I-688B) annotated “Provision of Law 274a. 12(11)” or “Provision of Law 274a.12”
- Employment Authorization Document (I-766) annotated “Provision of Law 274a. 12(11)” or “Provision of Law 274a.12”
- Any official revision of the acceptable documents listed above
- Receipt issued by the United States Citizenship and Immigration Service (USCIS) for issuance of replacement of any of the above documents that shows individual’s entitlement has been verified

The document is copied front and back and returned to the family. A birth certificate is not acceptable verification of eligible immigrant status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept 5 years.

Eligible immigrants must have their status verified by USCIS. The LACDA verifies the status through the USCIS SAVE system. If this primary verification fails to verify status, the LACDA must request within 10 calendar days that the USCIS conduct a manual search [24 CFR §5.512(c)].

4. Ineligible Family Members: Family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible

family members signed by the head of household, co-head, or spouse [24 CFR §5.508(e)].

5. Non-Citizen Students on Student Visas: Ineligible, even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members [24 CFR §5.522].
6. VAWA Self-Petitioners (PIH 2017-02)

VAWA Self-Petitioners are those who claim to be victims of “battery and extreme cruelty”. VAWA covers the following types of battery or extreme cruelty: domestic violence, dating violence, sexual assault, stalking, as well as verbal, psychological, economic, or technological abuse. A VAWA self-petitioner can indicate that they are in “satisfactory immigration” status when applying for housing or continued assistance. “Satisfactory immigration status” means an immigration status which does not make the individual ineligible for financial assistance. Once the LACDA verifies the applicant’s immigration status in the Department of Homeland Security (DHS) SAVE System, the LACDA will make the final determination as to the self-petitioner’s eligibility for assistance.

Not every noncitizen victim who has been subjected to battery or extreme cruelty will qualify under these procedures. To qualify, the noncitizen victim must have been battered or subject to extreme cruelty by their spouse or parent, who is a U.S. citizen or Lawful Permanent Resident (LPR). The LACDA may receive a petition at any time but submissions will most likely be related to a request for VAWA protections pursuant to 24 CFR 5 Subpart L (e.g. with a request for an emergency transfer or family breakup resulting from domestic violence, dating violence, sexual assault, or stalking; PIH 2016-09).

When the LACDA receives a self-petition (INS Form I-360 or I-130) or INS Form 797, the LACDA is prohibited from requesting any additional information from the VAWA self-petitioner, other than what is required below to complete the verification.

#### VAWA Self-Petitioner Verification Procedure

When the LACDA receives a self-petition or INS Form 797 “Notice of Action”, the HA will initiate verification in the SAVE System as outlined in PIH 2017-02. During the verification process, housing assistance and all other VAWA protections will be granted to the self-petitioner throughout the verification process until a final determination of LPR status is made. If this primary verification fails to verify status, the LACDA must request within ten days that the USCIS conduct a manual search. If the final determination is to deny the VAWA self-petition or LPR petition, the LACDA will alert the petitioner and take the appropriate actions.

**Failure to Provide**: If an applicant or participant family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information [24 CFR §5.508(i)].

**Time of Verification:** For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination. For family members added after other members have been verified, the verification occurs at the first interim or annual re-examination after the new member moves in. Once verification has been completed for any covered program, it need not be repeated except that, in the case of port-in families, if the initial public housing agency does not supply the documents, the LACDA must conduct the determination [24 CFR §5.508(g)].

**Extensions of Time to Provide Documents:** Extensions must be given for persons who declare their eligible immigration status but need time to obtain the required documents. The length of the extension shall be based on individual circumstances. The LACDA will generally allow up to 30 calendar days to provide the document or a receipt issued by the USCIS for issuance of replacement documents [24 CFR §5.508(h)].

**Determination of Ineligibility:** After the LACDA has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable).

#### **7.11.8 Verification of Social Security Numbers**

##### **[24 CFR §5.216]**

Social Security numbers must be provided as a condition of eligibility for all family members, except for family members who were determined eligible on or before January 31, 2010 and were at least 62 years old on that date, and family members who are not eligible to obtain a Social Security number. Social Security numbers will be verified through a Social Security card issued by the Social Security Administration. If a family member cannot produce a Social Security card, only the documents listed below may be used for verification. [24 CFR §5.216(g)(1)]:

- A document issued by the Social Security Administration that contains the name and Social Security Number of the individual; or
- A document issued by a Federal, state or local government agency that includes the name, Social Security Number and other identifying information about the individual.

All new family members, except children age 5 and under, who have not been assigned a number, will be required to produce their Social Security card or provide the substitute documentation described above. This information is to be provided at the time the change in family composition is reported to the LACDA and the family member will not be added to the household composition until it is provided [24 CFR §5.216(e)(2)(i)].

A child age 5 or under who has not been assigned a Social Security Number may be added to the household before providing a Social Security number. However, the parent or guardian will be required to sign a form attesting that the child was never issued a Social Security Number. The family must disclose the child's

Social Security Number within 90 days of being added to the household composition.

If a participant was never assigned a Social Security Number the individual will be required to sign a form attesting to the fact. The family member will be required to provide proof of the Social Security Number before the current annual reexamination is processed [24 CFR §5.216(e)(2)(ii)].

A 90-day extension may be granted by a LACDA Supervisor if the family was unable to provide the information due to good cause and there is a reasonable likelihood they will be able to provide the information during the extended time period. If the family fails to provide the information within the approved time period, the family's assistance will be terminated. .

If the family fails to provide required documentation of a member's Social Security Number, the family's assistance will be terminated [24 CFR §5.216(g)].

If any of the verification documents listed above are not available due to declared disasters or emergencies, whether due to natural calamity (e.g., earthquake), civil disturbance, public health emergencies, or other cause recognized by the Local, State or Federal government, the LACDA may use for the initial leasing process a certified statement and/or documentation that the family has undertaken actions to obtain proper documentation. The LACDA can make any corrections or adjustments after the HUD form 50058 has been validated in IMS/PIC and made available to the LACDA in the EIV system or at the time of processing the annual reexamination, whichever is first.

#### **7.11.9      Medical Need for Larger Unit**

A written certification that a larger unit is medically necessary must be obtained from a reliable, knowledgeable medical professional. If the request is a reasonable accommodation for a disabled family member, the following policy will be followed.

#### **7.11.10     Reasonable Accommodation**

In order to verify the necessity for a reasonable accommodation, the LACDA will usually require the disabled individual or a third party acting on their behalf, to return the Reasonable Accommodation Request form, or other written documentation, completed by a qualified professional with direct experience with the individual's disability. Qualified professionals may include, but are not limited to:

- A medical doctor
- A psychiatrist
- A social worker
- Other unlicensed care providers

If the need for the requested accommodation is visibly apparent, the LACDA may grant the request immediately without requiring further verification. If the disabled individual is unable to return a written request due to their disability, the LACDA will work with the individual to ascertain the specific accommodation

being requested and whether it conforms to the requirements stated in section 1.9.2.

#### **7.11.11      Secondary Review/Credit Checks**

The LACDA may use credit reports obtained from reliable sources to conduct secondary verifications on a case-by-case basis.

The methodology used to evaluate the information obtained from the credit report in relation to new applicants is outlined in Chapter 4 (Establishing Preferences and Maintaining the Waiting List).

The secondary review includes a comparison between the information contained in the credit report, for each adult household member, and the information provided by the family to the LACDA for eligibility purposes. Specifically, the LACDA reviews the credit report to verify:

**Employment:** If the credit report reveals employment during the subsidized period that was not disclosed to the LACDA, the family will be required to provide documentation that the employment did not occur or provide information regarding the amount of earnings received during the employment period.

If the family contends that the employment was made up for the purposes of obtaining credit or was erroneously placed on the credit report, the family must supply a letter from the employers listed confirming such information. On a case-by-case basis, the LACDA may accept a certified statement from the family.

If the family failed to disclose employment for a period longer than 6 months, the LACDA will propose termination of the family's assistance and seek repayment of any overpayment. On a case-by-case basis the LACDA may counsel the family before proposing termination and seeking repayment of any overpayment.

If the family failed to disclose employment for less than 6 months, the family will be required to attend a counseling interview and re-sign all program documents re-enforcing the family's obligations. The family will also be required to repay any overpayment amount. A second violation of this nature will result in a proposed termination.

**Assets:** The credit report information will be used to verify assets, particularly, large items such as real estate property. If the credit report reveals that the family owns property, the family will be required to provide the appropriate documentation regarding the property.

If all documentation confirms that the family (any family member) owns real estate property that was purposely concealed, the LACDA will propose termination of assistance and seek repayment of any overpayment amount.

**Aliases:** A credit report can provide information on other names that have been used for the purposes of obtaining credit. Common reasons for use of other names include a recent marriage or a divorce. If an alias has not been disclosed to the LACDA, the family will be asked to provide additional evidence of the legal identity of adult family members.

**Current and Previous Addresses:** For a continuously assisted family, it is assumed that the family's primary residence is the assisted address. If the credit report indicates the continuous use of an address, other than that of the assisted

unit during the subsidized period, the family will be asked to provide documentation that the assisted address is being used as the family's primary residence. This may include a history of utility bills, bank statements, school enrollment record for children, credit card statements or other relevant documents. Failure to provide adequate proof may result in termination of assistance.

If the family is not using the subsidized unit as their primary residency and/or is subletting the assisted unit, the file will be referred for proposed termination and the LACDA will seek full repayment of any overpayment amount.

**Credit Card and Loan Payments:** A credit report will usually include a list of the family's financial obligations. Examples of the items that may show up include car loans, mortgage loans, student loans and credit card payments. The LACDA will review this information to confirm the income and asset information provided by the family. If the family's current financial obligations (total amount of current monthly payments) exceed the amount of income reported by the family, the LACDA will ask the family to disclose how they are currently meeting their financial obligations. Accounts that have been charged off or significantly delinquent are not included in this calculation. Failure to provide adequate proof of income will result in the file being referred for proposed termination. Additionally, the LACDA will seek full repayment of any overpayment amount.

**Multiple Social Security Numbers:** A credit report may list multiple Social Security numbers if an adult family member has used different Social Security numbers to obtain credit. If the credit report information does not match the information provided by an adult member of the family, the family member will be required to obtain written confirmation of the Social Security number that was issued to him/her from the Social Security Administration.

Whenever a violation results in a proposed termination, the family is entitled to request an informal hearing. Procedures governing the informal hearing process are outlined in Chapter 16 Informal Reviews/Hearings.



## **Chapter 8:**

### **VOUCHER ISSUANCE AND BRIEFINGS**

#### **8.1 INTRODUCTION**

This chapter covers the LACDA's process for issuing vouchers, including the contents of the briefing that is conducted for families receiving a voucher. It also includes policies on the term of the voucher.

#### **8.2 ISSUANCE OF HOUSING CHOICE VOUCHERS**

When funding is available, the LACDA will issue vouchers to applicants whose eligibility has been determined.

The number of vouchers issued must ensure that the LACDA stays as close as possible to 100 percent lease-up. The LACDA performs a calculation to determine whether applications can be processed, the number of vouchers that can be issued, and to what extent the LACDA can over-issue.

The LACDA may over-issue vouchers only to the extent necessary to meet leasing goals. All vouchers that are over-issued will be honored, as long as there is funding to support the over-issued vouchers. If the LACDA finds it is over-leased, and a voucher holder has found an approvable unit, the LACDA is under no obligation to the family, to the owner, or to any other person, to approve a tenancy. As the LACDA nears 100 percent lease up, vouchers will be honored in the order they were issued. All voucher holders whose vouchers are not honored due to over-leasing will be placed back on the waiting list.

#### **8.3 BRIEFING TYPES AND REQUIRED ATTENDANCE**

##### **8.3.1 Initial Applicant Briefing**

##### **[24 CFR §982.301(a)]**

When the family is initially issued a voucher, the LACDA conducts a briefing session, as required by HUD. The briefing session is mandatory.

Briefing sessions will be conducted in groups or individual meetings.

The LACDA will not issue a voucher to a family unless the household representative has attended a briefing and signed the voucher. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing. Applicants who fail to attend scheduled briefings, without prior notification and approval of the LACDA, may be denied admission based on failure to supply information needed for certification. The LACDA will conduct individual briefings for families with disabilities at their home, upon request by the family, if required for reasonable accommodation.

Families who attend group briefings and still have the need for individual assistance will be referred to the appropriate staff person.

### **8.3.2 Re-Issuance Briefing**

A briefing will be held for participants who will be re-issued vouchers to move. This briefing may include incoming and outgoing portable families. Families failing to attend a scheduled briefing twice will be denied a new voucher based on failure to provide required information.

### **8.3.3 Owner Briefing**

Briefings are held for owners at least annually. Invitations are sent to all owners. Prospective owners are also welcome. The purpose of the briefing is to assure successful owner participation in the program.

## **8.4 INFORMATION PROVIDED AT THE BRIEFING SESSION**

The LACDA's objectives are to assure that families selected to participate are successful in obtaining an acceptable housing unit and that they have sufficient knowledge to derive maximum benefit from the program and to comply with program requirements.

The purpose of the briefing session is to provide information on the LACDA's process for voucher holders who intend to lease a unit. This will enable families to utilize the program to their advantage, and prepare them to discuss it with potential owners and property manager.

When the family is selected to participate, the briefing session includes information as follows.

### **8.4.1 Topics Covered in the Briefing Session**

#### **[24 CFR §982.301(a)]**

The person conducting the briefing will describe how the program works and include information on the following subjects:

- A description of how the program works, including reasonable accommodation policies and procedures;
- Family and owner responsibilities;
- Where a family may lease a unit inside and outside the LACDA's jurisdiction;
- How portability works for families eligible to exercise portability; and
- Advantages of moving to an area that does not have a high concentration of poor families, for families living in high poverty census tracts in the LACDA's jurisdiction.

If the family includes a person with disabilities, the LACDA will ensure compliance with 24 CFR §8.6 to ensure effective communication.

#### **8.4.2 Briefing Packet**

##### **[24 CFR §982.301(b)]**

The LACDA provides families with a briefing packet that contains more detailed information about the program. The packet includes forms and information required by HUD, as well as additional resources. The person conducting the briefing session will explain the documents in the briefing packet.

1. Instructions: This explains the term of the voucher, the LACDA's policies on extensions and suspensions, and how families may request tenancy approval.
2. Subsidy Estimation: A worksheet on rent calculations, including a description of the method used to calculate the assistance payment, how the minimum and maximum allowable rent is determined, how the payment standard is determined, and a calculation of the estimated maximum rent to suit the tenant's budget.
3. Utility Allowance Schedule: Utility allowance amounts for rental units, by unit size and utility type, for cities and unincorporated areas within the LACDA's jurisdiction.
4. Information on where the family can lease a unit, including portability procedures, a list of area housing authorities, and a form for participants who are requesting to transfer.
5. Form HUD-52641-A: The HUD-required "tenancy addendum" that must be included in the lease.
6. Request for Tenancy Approval (RTA): Families request LACDA approval of the assisted tenancy with this form. The RTA includes a statement of LACDA policy on providing family information to prospective owners.
7. Subsidy Standards and Requests for Waivers: Explains how the number of bedrooms (unit size) relates to family composition, and when and how exceptions are made in regards to requests for additional bedrooms.
8. A Good Place to Live: HUD's brochure on selecting a unit that complies with HQS.
9. Are You A Victim of Housing Discrimination: HUD's pamphlet on fair housing which contains the complaint form. The LACDA also includes available State and local information on equal opportunity laws.
10. Marketing List of Available Properties: The LACDA provides information for the Los Angeles County Housing Resource Center, which is an internet-based property listing and search service for owners and participants. The LACDA includes an information sheet on how to access the system online.
11. Family Obligations: Families sign to acknowledge program obligations, and consequences including termination of assistance for failure to comply.
12. Informal Hearing Information: Includes procedures and explanations of when participant families have the opportunity for an informal hearing, and how to request a hearing.

The packet may also include the following materials:

- Three Way Partnership: Explains the relationship between owners, participants and the LACDA.
- Protect Your Family From Lead In Your Home: Federal brochure on the hazards of lead-based paint and resources for additional information.
- Searching for a Rental Home: Guidance on finding a unit and submitting a successful rental application.
- Additional Standards for HQS Inspections and inspections process details.
- Owner materials including information on the New Contracts Process and the Benefits of Participation.
- Owner forms including IRS W-9, Letter of Authorization, Authorization Agreement for Direct Deposit, and a sample Lead-Based Paint Disclosure.
- Request for Voucher Extension form
- What You Should Know About EIV: A Federal brochure describing the Enterprise Income Verification (EIV) System, how it is used and from where the information is generated.

## **8.5 ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION**

### **[24 CFR §982.301(a)(3)]**

At the briefing, families are encouraged to search for housing in non-impacted areas. The LACDA provides assistance to families who wish to do so.

The assistance provided to such families includes:

- Direct contact with owners;
- Counseling with the family;
- Providing information about services in various non-impacted areas;
- Meeting with neighborhood groups to promote understanding;
- Formal or informal discussions with owner groups;
- Formal or informal discussions with social service agencies;
- Meeting with rental referral companies or agencies; and
- Meeting with fair housing groups or agencies.

The LACDA currently utilizes the Los Angeles County Housing Resource Center, an internet-based housing search service. This service, lists rental properties, listed by owners within the LACDA's jurisdiction to ensure greater mobility and housing choice to very low-income households. Each property listed indicates if it is in an area of low-poverty concentration.

The LACDA also maintains a listing of job, education, transportation and other information for cities not impacted by poverty or minority concentration. The cities for which the LACDA maintains this information are:

- Alhambra

- Azusa
- Bellflower
- Covina
- Downey
- Lakewood
- Lawndale
- Lomita
- Paramount
- Santa Fe Springs
- West Covina
- West Hollywood
- Whittier

This information may be obtained at the Section 8 Administrative Office.

## **8.6 SECURITY DEPOSIT REQUIREMENTS**

### **[24 CFR §982.313]**

Security deposits charged by owners may not exceed those charged to unassisted families (nor the maximum prescribed by State or local law.)

For lease-in-place families, responsibility for first and last month's rent is not considered a security deposit issue. In these cases, the owner should settle the issue with the family prior to the beginning of assistance.

## **8.7 TERM OF VOUCHER**

### **[24 CFR §982.301(b)(1)]**

During the briefing session, each family is issued a voucher, which represents a contractual agreement between the LACDA and the family, specifying the rights and responsibilities of each party. It does not constitute admission to the program, which occurs when the lease and contract become effective.

### **8.7.1 Expirations**

#### **[24 CFR §982.303(a)]**

The initial term of the voucher is 60 calendar days from the date of issuance. At the time the family is provided the voucher, the LACDA will automatically approve one 60-day extension. The family must submit a Request for Tenancy Approval and lease within the 120 calendar-day period, unless the family requests an extension and the LACDA grants the extension.

Under a local, state, and/or federally declared disaster, and at the discretion of the Director or designee, the LACDA may grant voucher extensions as necessary without the need for a family's formal request.

If the voucher has expired, and has not been extended by the LACDA or expires after an extension, the family will be denied assistance. The family will not be entitled to a review or hearing. If the family is currently assisted, they may remain as a participant in their unit if there is an assisted lease/contract in effect.

#### **8.7.2 Extensions of Voucher Term**

##### **[24 CFR §982.303(b)]**

The LACDA has the authority to grant extensions to vouchers, to specify the length of an extension, and to determine the circumstances under which extensions will be granted. LACDA's discretionary policies related to voucher extensions are below.

LACDA may approve an extension in a 60-day increment not to exceed a maximum voucher term of 180 calendar days. LACDA Supervisors may authorize voucher extensions, in 30 or 60-day increments, up to a maximum term of 365 calendar days.

Extensions beyond 365 calendar days will only be considered as a reasonable accommodation for a person with disabilities. In such cases, the policy and procedure in section 7.11.10 will be followed.

As stated above, under a local, state, and/or federally declared disaster, and at the discretion of the Director or designee, the LACDA may grant voucher extensions as necessary without the need for a family's formal request.

#### **8.7.3 Suspension of Voucher Term (Tolling)**

##### **[24 CFR 982.303(c)]**

When a Request for Tenancy Approval is received, the LACDA will not deduct the number of calendar days required to process the request from the term of the voucher.

#### **8.7.4 Assistance to Voucher Holders**

##### **[24 CFR §982.301(b)(11)]**

The LACDA has contracted with the Los Angeles County Housing Resources Center (Emphasys) to provide an internet-based property listing and search service for owners and participants. The LACDA includes in the briefing packet an information sheet on how to access the Los Angeles County Housing Resources Center (Emphasys).

### **8.8 VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS**

#### **[24 CFR §982.315]**

In those instances when a family assisted under the Housing Choice Voucher Program becomes divided into two otherwise eligible families due to divorce,

legal separation, or the division of the family, and the new families cannot agree as to which new family unit should continue to receive the assistance, and there is no determination by a court, the LACDA shall consider the following factors to determine which of the families will continue to be assisted:

1. Which of the two new family units has custody of dependent children.
2. Which family member was the head of household when the voucher was initially issued (listed on the initial application).
3. The composition of the new family units, and which unit contains elderly or disabled members.
4. Whether domestic violence was involved in the breakup.
5. Which family members remain in the unit.
6. Recommendations of social service professionals.

Documentation of these factors will be the responsibility of the requesting parties.

If documentation is not provided, the LACDA will terminate assistance on the basis of failure to provide information necessary to complete the annual re-examination.

Where the breakup of the family also results in a reduction of the size of the voucher, the family will be required to move to a smaller unit if the current owner is unwilling to accept the rent level of the smaller sized certificate.

## **8.9 REMAINING MEMBER OF FAMILY – RETENTION OF VOUCHER**

To be considered the remaining member of the family, the person must have been previously approved by the LACDA to be living in the unit.

A live-in aide, by definition, is not a member of the family and will not be considered a remaining member of the family.

In order for a minor child to continue to receive assistance as a remaining family member:

1. The court has to have awarded emancipated minor status to the minor, or
2. The LACDA has to have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child/children for an indefinite period.

A reduction in family size may require a reduction in the voucher size.

## **8.10 FAMILY VOLUNTARILY RELINQUISHES HOUSING CHOICE VOUCHER**

The family may voluntarily relinquish their voucher at any time. In such cases, the LACDA will provide the owner of the property with a 30 calendar days' notice indicating that rental assistance will terminate based on the family's request. The family will become fully liable for the contract rent after 30 calendar days.

Generally, the LACDA will not reinstate a family once a request for voluntary termination has been received. However, as a reasonable accommodation, the

LACDA will review requests for reinstatements received within 6 months and make a determination on a case-by-case basis.

If a family voluntarily relinquishes their voucher in lieu of facing termination, the LACDA will continue to seek to recover any monies that may be due to the LACDA as a result of misrepresentation or other breach of program regulations and will report the amount of debt owed to EIV.

## **Chapter 9:**

# **THE NEW CONTRACT PROCESS - REQUEST FOR TENANCY APPROVAL AND CONTRACT EXECUTION**

### **9.1 INTRODUCTION**

#### **[24 CFR §982.302 and 24 CFR §982.353(a)(b)]**

After families are issued a voucher, they may search for a unit anywhere within the LACDA's jurisdiction, or outside of the LACDA's jurisdiction if they qualify for portability. The family must find an eligible unit under the program rules, with an owner who is willing to enter into a Housing Assistance Payments (HAP) contract with the LACDA. This chapter defines the types of eligible housing, the LACDA's policies which pertain to lease requirements, owner disapproval, and the processing of Requests for Tenancy Approval (RTA).

### **9.2 REQUEST FOR TENANCY APPROVAL**

#### **[24 CFR §982.302 and §982.305]**

No RTA for a current participant will be processed unless there is a copy of the lease termination notice for the currently assisted unit in the family's file.

Both the owner and the voucher holder must sign the RTA.

The LACDA will not permit the family to submit more than one RTA at a time.

The RTA will be approved if [24 CFR §982.302(d)]:

1. The unit is an eligible type of housing;
2. The unit passes an inspection (based on HUD's Housing Quality Standards and the LACDA's requirements, detailed in Chapter 10);
3. The rent is reasonable and affordable to the voucher holder;
4. The security deposit amount is approvable;
5. The proposed lease complies with HUD and LACDA requirements, and State and local law;
6. The owner is approvable, and there are no conflicts of interest; and
7. All applicable lead-based paint disclosure requirements have been met. See Section 10.4 (Lead-Based Paint) for additional policies.

#### **9.2.1 Disapproval of RTA**

##### **[24 CFR §982.302(d); §982.305, and §982.306]**

If the LACDA determines that the RTA cannot be approved for any reason, the owner and the family will be notified in writing. The LACDA will instruct the owner and family of the steps that are necessary to approve the Request.

The owner will be given 5 calendar days to submit an approvable RTA from the date of disapproval unless the reason for the disapproval is the result of multiple failed inspections (three or more failed HQS inspections).

When, for any reason, an RTA is not approved, the LACDA will furnish another RTA form to the family along with the notice of disapproval so that the family can continue to search for eligible housing.

The LACDA will suspend the term of the voucher while the RTA is being processed. Therefore, the length of time allotted to a family for the purpose of locating another unit will be based on the number of days left on the term of the voucher at the time the RTA was submitted to the LACDA [24 CFR §982.303(b)].

### **9.3 ELIGIBLE TYPES OF HOUSING**

#### **[24 CFR §982.352]**

The LACDA will approve the following types of housing in the voucher program:

- Single-family dwellings, including condos and townhouses.
- Manufactured homes where the family leases the mobile home and the pad [24 CFR §982.620(a)(2)].
- Manufactured homes where the family owns the mobile home and leases the pad [24 CFR §982.620(a)(3)].
- Multifamily dwellings (apartment buildings).
- Units owned but not subsidized by the LACDA (HUD-prescribed requirement).

A family can own a rental unit but cannot reside in it while being assisted, except in the cases involving manufactured homes when the family owns the mobile home and leases the pad. A family may lease in and have an interest in a cooperative housing development.

The LACDA may not permit a voucher holder to lease a unit that is receiving project-based Section 8 assistance or any duplicative rental subsidies.

#### **9.3.1 Special Housing Types**

##### **[24 CFR §982 Subpart M]**

A Public Housing Agency may permit a family to use any of the special housing types below. However, the Public Housing Agency is not required to permit families receiving assistance to use these housing types, except that the Public Housing Agency must permit use of any special housing type if needed as a reasonable accommodation for a person with a disability.

In accordance with regulatory discretion, the LACDA will permit families to request tenancy to use any of the special housing types below. However, the housing type requested must meet the definition of the housing type and must pass Housing Quality Standards in accordance to the housing type's standards.

- **Congregate housing** - Housing intended for use by elderly persons or persons with disabilities. It contains a shared central kitchen and dining area

and a private living area for the individual household of at least a living room, bedroom and bathroom. Food service for residents must be provided. Elderly persons or persons with disabilities may live in congregate facilities. With PHA approval a live-in aide may live in the congregate unit with a person with disabilities or an elderly person.

- **Group home** -a state-licensed facility intended for occupancy by elderly persons and/or persons with disabilities. The group home consists of residents' bedrooms, which can be shared by no more than two people, and a living room, kitchen, dining area, bathroom, and other appropriate social, recreational, or community space that may be shared with other residents. No more than 12 persons may reside in a group home. Elderly persons or persons with disabilities may live in group homes. If approved by the PHA, a live-in aide may live in the group home with a person with disabilities. Except for live-in aides, all persons living in a group home, whether assisted or not, must be elderly persons or persons with disabilities. Persons living in a group home must not require continual medical or nursing care.
- **Shared housing** - a single housing unit occupied by an assisted family and another resident or residents. The shared unit consists of both common space for use by the occupants of the unit and separate private space for each assisted family. The family and any LACDA approved live-in aid may reside in a unit with other persons who are either:
  1. Not assisted under the tenant based program,
  2. .Assisted under the tenant based program (If there are multiple assisted families in the shared unit, there must be separate HAP contracts for each assisted family.),
  3. The owner of the shared housing unit. (While the owner may reside in the shared unit, the owner may not be related to the family by blood or marriage and no assistance may be paid on behalf of the owner.)
- **Cooperative housing (excluding families that are not cooperative members)** – Housing owned by a nonprofit corporation or association, where a member of the corporation or association has the right to reside in a particular apartment and to participate in management of the housing. There are no program restrictions on who may occupy a cooperative housing unit.
- **Single Room Occupancy (SRO)** - an SRO unit is a unit that provides living and sleeping space for the exclusive use of the occupant, but requires the occupant to share sanitary and/or food preparation facilities. There is no federal limitation on the number of SRO units in an SRO facility. An SRO unit may not be occupied by more than one person. Program regulations do not place any limit on the number of units in an SRO facility, although the size of a facility may be limited by local laws.
- **Homeownership** (if homeownership program is available)

### **9.3.2 Ineligible Housing Types**

**[24 CFR §982.352(a)]**

The LACDA will not approve:

- A unit occupied by the owner or by any person with an interest in the unit, other than manufactured homes described above.
- Nursing homes or other institutions that provide care.
- School dormitories and institutional housing.
- Structures that have not been properly converted. Owners will be required to provide finalized permits for all conversion work when the integrity and/or soundness of a structure is in question.
- Converted garages or other structures not intended to be living areas.
- Any other types of housing prohibited by HUD.

#### **9.4 RESTRICTIONS ON RENTING TO RELATIVES**

##### **[24 CFR §982.306(d)]**

In accordance with HUD policy, the family will not be allowed to rent a unit from an owner (including a principal or other interested party) who is the spouse, parent, child, grandparent, grandchild, and sister or brother of any member of the family. This restriction applies to all new contracts entered into after June 16, 1998.

Exceptions may be made to this policy as a reasonable accommodation for persons with a disability. The LACDA will review all such requests on a case-by-case basis. The family will be required to provide documentation of disability and how the particular unit, owned by the relative, could benefit the disabled person. Owners must provide the current address of their residence (not a Post Office box). If families lease properties owned by relatives, the owner's current address will be compared to the subsidized unit's address.

Owners must provide an Employer Identification Number or Social Security number, and may also be required to provide a copy of their driver's license or other photo identification. In addition, the LACDA may request a copy of the owner's current utility bills and bank statement.

Failure to provide adequate documentation, within the specified time period (2 weeks), will be grounds for denial of such request.

In all cases, the owner of the assisted unit may not reside in the unit with the assisted household at any time during the term of the Housing Assistance Payment (HAP) Contract between the LACDA and the owner.

#### **9.5 LEASE AGREEMENTS**

##### **[24 CFR §982.308 - §982.309]**

The tenant and the owner must enter a written lease for the unit. If the owner uses a standard lease form for rental to unassisted tenants in the locality or the premises, the lease must be in such standard form, plus the required HUD Tenancy Addendum, which the LACDA will provide to the owner.

The LACDA will review the lease for compliance with regulations. At minimum, the lease must specify the following information:

- The names of the owner and tenant;
- The address of the unit rented;
- The term of the lease including the initial term and any provisions for renewal;
- The amount of the monthly rent to owner; and
- A specification of which utilities and appliances will be supplied by the owner, and which by the family.

The lease must provide the following are grounds for the owner to terminate tenancy [24 CFR §982.310(c)]:

- Drug- related criminal activity engaged in, on or near the premises by any tenant, household member, or guest, or such activity engaged in on the premises by any other person under the tenant's control. In addition, the lease must provide that the owner may evict a family when the owner determines that a household member is illegally using a drug or when the owner determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- Any of the following types of criminal activity by a covered person:
  - Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including property management staff residing on the premises);
  - Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises; or
  - Any violent criminal activity on or near the premises by a tenant, household member, or guest, or any such activity on the premises by any other person under the tenant's control.
- If a tenant is:
  - Fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or
  - Violating a condition of probation or parole imposed under Federal or State law.

When needed, the LACDA may require the owner and family to execute a lease rider to include changes to the rent amount, changes to utility responsibilities and/or effective date on the owner's original lease.

#### **9.5.1 Separate Agreements**

##### **[24 CFR §982.510(c)]**

Separate agreements are not necessarily prohibited. Families and owners will be advised of the prohibition of illegal side payments for additional rent, or for items normally included in the rent of unassisted families, or for items not shown on the approved lease.

Owners and families may execute separate agreements for services (parking space), appliances (other than range and refrigerator) and other items that are not included in the lease if the agreement is in writing and approved by the LACDA.

Any appliances, services or other items which are routinely provided to unassisted families as part of the lease (such as air conditioning, dishwasher or garage) or are permanently installed in the unit, cannot be put under separate agreement and must be included in the lease. For there to be a separate agreement, the family must have the option of not utilizing the service, appliance or other item.

The LACDA is not liable for unpaid charges for items covered by separate agreements and nonpayment of these agreements cannot be cause for eviction.

If the family and owner have come to a written agreement on the amount of allowable charges for a specific item, so long as those charges are reasonable and not a substitute for higher rent, they will be allowed.

All agreements for special items or services must be attached to the lease approved by the LACDA. If agreements are entered into at a later date, they must be approved by the LACDA and attached to the lease.

## **9.6 INITIAL INSPECTIONS**

See Chapter 10 (Housing Quality Standards and Inspections).

## **9.7 RENT LIMITATIONS**

### **[24 CFR §982.508]**

In accordance with HUD regulations, at the time the family initially receives assistance for a new unit, the family's share of the rent for the unit (includes utilities and the rent to the owner) may not exceed more than 40 percent of the family's adjusted monthly income if the gross rent for the unit exceeds the payment standard.

## **9.8 RENT REASONABLENESS**

### **[24 CFR §982.507(a)(1)]**

A rent reasonable test will be used to determine if the rent amount request by the owner can be approved. The LACDA's rent reasonableness policy is covered in Chapter 11 (Setting Payment Standards and Determining Rent Reasonableness).

## **9.9 WHEN A NEW CONTRACT IS REQUIRED FOR AN EXISTING TENANCY**

A new tenancy must be approved and a new contract must be executed for an existing tenancy only under the following circumstances:

- If the owner or family request a new lease;

- If there are any changes in lease requirements governing tenant or owner responsibilities for utilities or appliances; or
- If there are changes to provisions governing the terms of the lease.

## **9.10 INFORMATION TO OWNERS**

### **[24 CFR §982.307(b)]**

The LACDA is required to provide prospective owners with the address of the applicant and the names and addresses of the current and previous owner if known. The LACDA will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection. The LACDA will not release any other information regarding the family.

The LACDA will inform owners that it is the responsibility of the owner to determine the suitability of prospective tenants. Owners will be encouraged to screen applicants for rent payment history, eviction history, damage to units, and other factors related to the family's suitability as a tenant [24 CFR §982.307(a)].

Information regarding the LACDA's policy on this subject is included in the briefing packet and as an attachment to the Request for Tenancy Approval. This policy will apply uniformly to all families and owners.

In addition to the information listed above, the LACDA provides owner workshops at least twice a year. At the workshops, current and prospective owners are given an overview of the program and information about any significant program changes. There is also ample time for a question and answer session.

## **9.11 OWNER DISAPPROVAL**

### **[24 CFR §982.306(a) - §982.306(c)(4)]**

For purposes of this section, "owner" includes a principal or other interested party, and to disapprove an owner means to prevent the participation of an owner in LACDA programs.

The LACDA is required to disapprove an owner for the following reasons:

- HUD has informed the LACDA that the owner has been debarred, suspended, or subject to a limited denial of participation under 24 CFR Part 24.
- HUD has informed the LACDA that the federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending.
- HUD has informed the LACDA that a court or administrative agency has determined that the owner violated the Fair Housing Act or other Federal equal opportunity requirements.
- If the owner is the spouse, parent, child, grandparent, grandchild, sister, or brother of any member of the family.

The LACDA also maintains the discretion to disapprove an owner for the reasons listed below. The LACDA may disapprove an owner for a period of 1 year for the following reasons:

- The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).
- The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other Federal housing program.
- The owner has a history or practice of renting units that fail to meet State or local housing codes;
- The owner has not obtained a business license for rental property for the assisted unit, where required by local ordinance; or
- The owner has not paid State or local real estate taxes, fines or assessments.

An owner may be disapproved for a period of up to 5 years for the following reasons:

- The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.
- The owner has a history or practice of failing to terminate tenancy of Section 8-assisted tenants, or tenants assisted under any other federally-assisted housing program, for activity engaged in by the tenant, any member of the household, guest or another person under the control of any member of the household that:
  - Threatens the right to peaceful enjoyment of the premises by other residents;
  - Threatens the health or safety of other residents, of employees of the LACDA, or of owner employees or other persons engaged in management of the housing;
  - Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or commits drug related criminal activity or violent criminal activity.

An owner may be disapproved for a period of up to 10 years for the following reason:

- The owner has engaged in any drug-related criminal activity or any violent criminal activity.

If an owner disagrees with the LACDA's disapproval, the owner may appeal the decision in writing within 10 calendar days from receiving the LACDA's decision. A supervisor will review the appeal and prepare a written decision within 30 calendar days after receiving the request. The decision of the supervisor is final.

## **9.12 CHANGE IN TOTAL TENANT PAYMENT (TTP) PRIOR TO HAP EFFECTIVE DATE**

When the family reports changes in factors that will affect the Total Tenant Payment (TTP) prior to the effective date of the HAP contract, the information will be verified and the TTP will be recalculated. If the family does not report any change, the LACDA need not obtain new verifications before the HAP contract becomes effective.

If the contract is for a participant move and is processed as an annual reexamination, the family's income and other circumstances will be re-verified.

## **9.13 CONTRACT EXECUTION PROCESS**

### **[24 CFR §982.305(c)]**

Provided that the unit passes inspection, the LACDA will prepare the HAP contract for execution. The family and the owner will execute the lease agreement, and the owner and the LACDA will execute the HAP contract. Copies of the documents will be furnished to the parties who signed the respective documents.

The LACDA makes every effort to execute the HAP contract before the commencement of the lease term. The HAP contract may not be executed more than 60 calendar days after commencement of the lease term and no payments will be made until the contract is executed.

The following LACDA representatives are authorized to execute a contract on behalf of the LACDA: Housing Assistance Division Director, Assistant Director, Managers, Assistant Managers and Supervisors.

Owners must provide the current address of their residence (not a Post Office box). If families lease properties owned by relatives, the owner's current address will be compared to the subsidized unit's address.

Owners must provide an Employer Identification Number or Social Security number, and may also be required to provide a copy of their driver's license or other photo identification.

### **9.13.1 Determining the Contract Effective Date**

The effective date and the amount of the rental payment are communicated in writing to both the owner and family.

The lease and the terms of the tenancy are made effective at the LACDA's approval only. The earliest date the LACDA may approve the lease effective date is the date the unit passed HQS inspection.

The HAP contract is drafted after the LACDA approved lease is received and is effective in accordance with the lease effective date.

### **9.13.2 Prorating First Month's Rent**

When the effective date of a new contract begins on a day other than the first of the month, the LACDA will determine a prorated contract rent amount. For

consistency with rental industry standards, prorated amounts will be calculated by using the actual days in the month to establish a daily rate.

### **9.13.3 Proof of Ownership**

The LACDA will use property profile information obtained from a private vendor to confirm ownership of the assisted unit. If third party information cannot confirm ownership of the unit, the LACDA may also request a recorded deed or closing escrow statement to prove ownership.

Owners may also be required to provide a copy of a business rental license if the assisted unit is in a city where one is required.

Any requested information must be provided prior to execution of the HAP contract. Failure to provide the requested information within a reasonable period of time, generally not more than 30 calendar days, will result in a cancellation of the RTA.

### **9.13.4 Establishing Eligibility to Execute HAP Contract and Related Documents**

In cases involving multiple owners, the LACDA will accept the signature of a designee on all contracts and related paperwork if all the legal owners have jointly agreed on the person/persons who may act on their behalf.

In cases involving multiple owners, the LACDA requires that all persons who have interest in the property sign or provide a letter of authorization, giving one or more parties the right to sign contracts and other program documents.

In cases involving a partnership or corporation, the LACDA may request the partnership agreement or incorporation documents to determine who is designated to act on the group's behalf. In cases involving a trust, the LACDA may request a copy of the trust in order to verify the names of the trustees.

The LACDA will not execute a HAP Contract until all proper authorization, from all appropriate parties, has been provided. Failure to provide information needed to establish authority to execute the HAP contract within a reasonable time, generally 30 calendar days, may result in a cancellation of the RTA.

Once the LACDA has established proper authorization, the letter of authorization will remain in effect until superseded by another authorization or the HAP contract is terminated. All changes or modification to the instructions provided in the current letter of authorization must be provided in writing.

### **9.13.5 Payment to the Owner**

#### **[24 CFR §982.311(a)]**

Once the HAP Contract is executed, the LACDA begins processing payments to the owner. Because the LACDA's sole method of payment to owners is direct deposit, new and existing owners must provide the necessary information for enrollment in the LACDA's direct deposit program. Payments will be made via direct deposit by the first of each month. Owners must notify the LACDA of any

missing payments as soon as possible. The LACDA will accept report of missing payment both via a telephone call and/or in writing.

#### **9.14 CHANGE IN OWNERSHIP**

A change in ownership does not require execution of a new contract.

The LACDA will process a change of ownership only upon the written request of the previous or new owner and only if accompanied by a copy of the escrow statement or other document showing the transfer of title and the Employee Identification Number or Social Security number of the new owner.

In order to complete a change of ownership, the new owner must complete an Assumptions of Obligations and Benefits contract. This form obligates the new owner to the HAP contract. The LACDA will provide this document once a written request for a change is received.

When the assumption contract has been executed, the LACDA will send a copy of it, along with a copy of the original HAP contract and lease, to the new owner.

If a change in ownership occurs due to a foreclosure, the new owner automatically assumes the obligations of the HAP contract. The LACDA will make every attempt to ascertain the identity of the new owner and obtain any documents necessary to release payments to the appropriate party.

New owners are subject to the LACDA's owner disapproval policy as detailed in Section 9.11 of this chapter.



## **Chapter 10:**

### **HOUSING QUALITY STANDARDS AND INSPECTIONS**

#### **10.1 INTRODUCTION**

HUD requires that all units receiving housing assistance meet HUD's Housing Quality Standards (HQS) and permits the LACDA to establish additional requirements. The term "HQS" in this plan refers to the combination of both HUD and the LACDA's discretionary policies. HUD requires that HQS inspections be conducted before the Housing Assistance Payments (HAP) Contract is signed and at least Biennially during the term of the HAP Contract. This chapter explains the different types of inspections, the responsibilities of the owner and family, and the consequences for noncompliance with HQS by the owner and family.

#### **10.2 TYPES OF INSPECTIONS**

##### **[24 CFR §982.405]**

The LACDA conducts the following inspections, which will be explained in greater detail throughout the chapter:

- **New Contracts Inspections:** A unit must pass New Contract (initial) HQS inspection before the LACDA enters into a HAP Contract with the owner.
- **Biennial Inspections:** HUD requires that the LACDA inspect each unit under lease at least biennially to confirm that the unit still meets HQS.
- **Inspections at Other Times as Needed:**
  - **Interim Inspection:** HQS inspection conducted upon request of the owner, family or agency.
  - **Emergency Inspection:** HQS inspection conducted for life-threatening violations.
- **Quality Control Inspection:** The LACDA is required to conduct supervisor quality control HQS inspections.

#### **10.3 HOUSING QUALITY STANDARDS (HQS)**

##### **[24 CFR §982.401]**

HQS is the minimum quality standards set forth by HUD for tenant-based programs. These standards are in place to ensure that assisted housing is decent, safe and sanitary. All program housing must meet the HQS performance requirements both at commencement of assisted occupancy, and throughout the assisted tenancy.

Efforts will be made at all times to encourage owners to provide housing above the HQS minimum standards.

HQS applies to the building and premises, as well as the unit. In order for a unit to pass an HQS inspection, the following standards must be met.

### **10.3.1 Unit Space and Size**

#### **[24 CFR §982.401(d)(2)(i)]**

At minimum, a living room, kitchen area, and bathroom must be located in the unit.

### **10.3.2 Living Room / Sleeping Room**

#### **[24 CFR §982.401(d)(2)(ii)], [24 CFR §982.401(h)(2)(iv)], [24 CFR §982.401(f)]**

- The dwelling unit must have at least one bedroom or living/sleeping room for each two persons. Children of opposite sex, other than very young children, may not be required to occupy the same bedroom or living/sleeping room.
- There must be at least one window in the living room and in each sleeping room. If the window is designed to be openable, the window must open and close properly, and be large enough to provide emergency egress.
- The living room and each bedroom must have at least two electrical outlets in proper operating condition. Permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets.
- Bedrooms must also have a built-in closet or wardrobe, be located within the unit (e.g., no garages), and be private (have a closing door separating it from the rest of the unit). Bedrooms should also be finished in a quality similar to other bedrooms in the home.
- In cases where an owner has modified the rental unit without obtaining the proper city and/or County building permits, the LACDA may rely on the legal property description for the purposes of negotiating the rent and determining how many actual sleeping rooms are in the rental unit.

### **10.3.3 Sanitary Facilities (Bathroom)**

#### **[24 CFR §982.401(b)], [24 CFR §982.401(h)(2)(iii)], [24 CFR §982.401(f)(2)(ii)]**

- The bathroom must be located in a separate private room and contain a working flush toilet.
- Bathroom areas must have one openable window or other adequate exhaust ventilation.
- The unit must have a fixed sink. The bathroom sink may be located separately from other bathroom facilities, but the kitchen sink may not also be used for the bathroom sink.
- The unit must have a shower or tub in proper operating condition, with hot and cold running water. The shower or tub need not be in the same room with other bathroom facilities, but they must be private.
- All walls in a tub or shower area must be covered with ceramic tile or other material that is impervious to water to prevent water damage and deterioration.

- Sinks and commode water lines must have shut off valves, unless faucets are wall-mounted. All sinks in the unit must have functioning stoppers.
- The bathroom must have a permanent ceiling or wall light fixture in proper operating condition.
- All bathrooms in the unit must be in proper operating condition.

#### **10.3.4 Food Preparation (Kitchen)**

##### **[24 CFR §982.401(c)], [24 CFR §982.401(f)(2)(ii)]**

- The dwelling unit must have suitable space and equipment to store, prepare, and serve foods in a sanitary manner (i.e., kitchen).
- The dwelling unit must have an oven, and a stove or range, and a refrigerator of appropriate size for the family. All of the equipment must be in proper operating condition. The stove and oven must be properly hooked up to the gas, with no hazards present. The refrigerator must be able to maintain a temperature sufficient to keep food from spoiling over a reasonable period of time. The equipment may be supplied by either the owner or the family.
- A microwave oven may be substituted for a tenant-supplied oven and stove or range. A microwave oven may be substituted for an owner-supplied oven and stove or range if the tenant agrees and microwave ovens are furnished instead of an oven and stove or range to both subsidized and unsubsidized tenants in the building or premises.
- The kitchen area must have a permanent ceiling or wall light fixture in proper operating condition, and at least one electrical outlet in proper operating condition.
- The dwelling unit must have a permanently attached kitchen sink in proper operating condition, with a sink trap and hot and cold running water. The sink must have a shut off valve, unless faucets are wall-mounted, and must drain into an approvable public or private system. All sinks in the unit must have functioning stoppers.
- There must be facilities and services for the sanitary disposal of food waste and refuse, including temporary storage facilities where necessary (e.g., garbage cans).

#### **10.3.5 Ceilings, Walls, Floors and Building Exterior**

##### **[24 CFR §982.401(g)]**

- The unit must be structurally sound. The structure must not present any threat to the health and safety of the occupants and must protect the occupants from the environment.
- Ceilings, walls, floors and fences must not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling, missing parts, or other serious damage.

- Wood floors must be sanded to a smooth surface and sealed. Any loose or warped boards must be re-secured and made level. If the boards cannot be leveled, they must be replaced.
- The exterior wall structure and surface must not have any serious defects such as serious leaning, buckling, sagging, large holes, or defects that may result in air infiltration or vermin infestation.
- In areas where plaster or drywall is sagging, severely cracked, bulging or leaning, or has large holes, it must be repaired or replaced.
- The condition and equipment of interior and exterior stairs, halls, porches, walkways, etc., must not present a danger of tripping and falling. For example, broken or missing steps or loose boards are unacceptable. Stairs with four or more steps must have a secure handrail.
- A porch or balcony at least 30 inches or more from the ground must have secure railings.
- The roof must be structurally sound and weather tight and must not have any serious defects, such as buckling or sagging. Gutters, downspouts and soffits must not show signs of serious decay and must not allow entry of significant air or water into the interior of the structure.
- The chimney must not be seriously leaning or showing evidence of significant disintegration.
- Building foundations must not have any severe structural defects that may create a hazardous condition, including allowing significant entry of ground water.

#### **10.3.6 Windows**

##### **[24 CFR §982.401(f)(1)(ii)], [24 CFR §982.401(d)(2)(iii)]**

- All window sashes must be in good condition, solid, intact, and fit properly in the window frame. Damaged or deteriorated sashes must be replaced.
- Windows must be weather-stripped as needed to ensure a weather tight seal.
- Windows must not have missing or broken-out panes, or panes that are dangerously loose or have large cracks.
- If window security bars or security screens are present on emergency exit windows, they must be equipped with a quick release system. The owner is responsible for ensuring that the family is instructed on the use of the system.
- Dwelling unit windows that are accessible from the outside, such as basement, first floor, and fire escape windows, must be lockable (such as window units with sash pins or sash locks, and combination windows with latches).
- Windows that are nailed shut are acceptable only if these windows are not needed for ventilation or as an alternate exit in case of fire.

### **10.3.7 Doors and Unit Access**

#### **[24 CFR §982.401(d)(2)(iv)], [24 CFR §982.401(k)]**

- All exterior doors must be solid core and weather tight to avoid any air or water infiltration, have no holes, and have all trim intact.
- All interior doors must have no holes, have all trim intact, and be openable without the use of a key.
- All exterior doors must have dead bolt locks.
- The unit must be able to be used and maintained without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire (such as fire stairs or egress through windows).

### **10.3.8 Thermal Environment**

#### **[24 CFR §982.401(e)]**

There must be a safe system for heating the unit, in proper operating condition. The heating unit must be affixed to the unit and be able to provide adequate heat, either directly or indirectly, to each room. The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Electric heaters are acceptable. Portable heaters are not acceptable. Heating equipment also must not pose other unsafe conditions, such as improper flue connection or installation of equipment.

### **10.3.9 Electricity**

#### **[24 CFR §982.401(f)]**

The unit must not contain any electrical hazards, such as exposed electrical connections; broken, non-insulated or frayed wiring; improper types of wiring, connections or insulation, or wires lying in or near standing water or other hazardous locations.

The improper installation of a three-pronged outlet is considered an electrical hazard. All three-pronged outlets must be properly grounded or protected by a ground fault circuit interrupter (GFCI) outlet. An outlet is considered protected by a GFCI outlet if:

- The outlet is a GFCI outlet; or
- A GFCI outlet is located up stream on the circuit from the ungrounded, three-pronged outlet and will shut off current to the ungrounded outlet in case of a surge in the electrical current; or
- The ungrounded, three-pronged outlet is located on a GFCI circuit.

### **10.3.10 Smoke Detectors/Carbon Monoxide Detectors**

#### **[24 CFR §982.401(n)]**

#### **Smoke Detectors**

- Each assisted unit must be equipped with at least one properly working battery-operated or hard-wired smoke detector on each level of the unit.

- Whenever possible, smoke detectors should be installed in a hallway adjacent to a bedroom.
- If an assisted unit is occupied by a household with hearing-impaired persons, a permanently installed smoke detector designed for people with hearing-impairments must be located in each bedroom that is occupied by a hearing-impaired person.

### **Carbon Monoxide Detectors**

In order to reflect California law (The Carbon Monoxide Poisoning Prevention Act of 2010), the LACDA requires carbon monoxide detectors be installed as follows: Any unit having a fossil fuel burning heater or appliance, fireplace, or an attached garage must have a carbon monoxide detector installed. (A fossil fuel is coal, kerosene, oil, wood, fuel gases, and other petroleum or hydrocarbon products that emit carbon monoxide as a byproduct of combustion)

Placement of the device should be as follows:

- There must be one carbon monoxide detector centrally located outside of each separate sleeping area in the immediate vicinity of the bedrooms, and each detector shall be located on the wall or ceiling. Any other location is only acceptable if specified in the installation instructions that accompany the device. If there are distinctly separate sleeping areas in the unit, there must be a detector for each sleeping area.
- There must be at least one Carbon Monoxide detector on each level of the unit.
- Carbon Monoxide detectors cannot be installed directly above, or next to a fuel burning appliance.
- If the device is a combination carbon monoxide device and smoke detector, then the combined device must emit an alarm or voice warning in a manner that clearly differentiates between a carbon monoxide alarm warning and a smoke detector warning.

Units that do not meet the requirements outlined above will fail the Housing Quality Standards (HQS) inspection, and will be subject to rejection or abatement in accordance with HUD regulations and LACDA policy.

### **10.3.11 Neighborhood and Site Conditions; Sanitation and Environment**

**[24 CFR §982.401(l)], [24 CFR §982.401(m)]**

- The site and neighborhood may not be subject to serious adverse environmental conditions, natural or manmade. These can include dangerous walks or steps; instability; flooding, poor drainage, septic tank back-ups or sewage hazards; mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards.

- Adequate covered facilities for the disposal of rubbish must be present at the site, such as covered dumpsters and other covered refuse containers approvable by the local health and sanitation department.
- The unit and its equipment must be in sanitary condition, and free from vermin and rodent infestation.

**10.3.12      Elevators**  
**[24 CFR §982.401 (g)(2)(v)]**

All elevators in a building must be operating safely. The LACDA requires all elevators to have a current permit issued by the State of California. If the permit is expired and the owner can provide documentation from the State of California that the application is being processed, the LACDA will pass the elevator in accordance with Section 7302 of the Labor Code as long as there are no obvious safety concerns present.

**10.3.13      Manufactured Homes/Mobile Homes HQS Requirements**  
**[24 CFR 982.621]**

In addition to meeting all other HQS requirements, a mobile home must meet the following requirements:

- It must be situated on a site that is stable and free from hazards such as sliding or wind damage.
- Must be appropriately anchored by a tie down device that distributes and transfers the load imposed by the unit to appropriate ground anchors to resist wind overturning and sliding. Alternative types of anchors, beams and foundation bolts are permissible if they meet manufacturer's specifications.
- One operable smoke detector is required.

**10.3.14      Additional Housing Quality Standards**  
**[24 CFR §982.401(a)(4)]**

The LACDA is authorized to enhance HQS, provided that by doing so the LACDA does not overly restrict the number of units available for leasing. The enhancements adopted by the LACDA are meant to ensure that assisted units are safe in relation to other units rented throughout Los Angeles County.

In addition to the HQS identified by HUD, all assisted units must also be in compliance with the following items derived from California and Los Angeles County Code, in order to pass an HQS inspection.

- **Double Cylinder Locks:** Double-keyed deadbolts, or any other lock requiring special knowledge or a tool to open, are prohibited in a residential unit. All doors that provide an exit from the residence must be openable from the inside without the need of a key or any other special knowledge, effort or tool.
- **Swimming Pools:** Swimming pools in multifamily structures must be enclosed by a gate from 48 inches to 60 inches tall. The gate must be

self-closing with a self-closing latch and a protected panel must surround the latch.

- **Hot Water Heater:** Water heaters must have a temperature-pressure relief valve and discharge line (directed toward the floor or outside of the living area) as a safeguard against build-up of steam if the water heater malfunctions. Gas or oil-fired water heaters must be vented into a properly installed chimney or flue leading outside. Electric water heaters do not require venting. A gas water heater must have a safety divider or shield if it is located in a bedroom or other living area.

If the water heater is located in a large apartment building (at least 25 units) and the unit is inaccessible, staff must check inconclusive on the inspection report. The item may be cleared if the owner or manager can provide documentation to show it has passed a local inspection.

- **Earthquake Straps for Water Heaters:** Must be secured for seismic stability. All water heaters must be braced, anchored or strapped to prevent falling or movement during an earthquake.
- **Garages:** Garages, whether attached or detached, must be accessible. Garages are not to be used as a living space.

### **10.3.15      Single Room Occupancy (SRO) HQS Requirements**

**[24 CFR §982.605]**

The HQS requirements outline in the above sections (specifically in §982.401) apply to SRO housing. However, the standards in this section apply in place of §982.401(b) (sanitary facilities), §982.401(c) (food preparation and refuse disposal), and §982.401(d) (space and security). Since the SRO units will not house children, the housing quality standards in §982.401(j), concerning lead-based paint, do not apply to SRO housing.

- ❑ **Access:** Access doors to the SRO unit must have working locks for privacy. The occupant must be able to access the unit without going through any other unit. Each unit must have immediate access to two or more approved means of exit for the building, appropriately marked and leading to a safe and open space at ground level.
- ❑ **Fire Safety:** All SRO facilities must have a sprinkler system that protects major spaces. "Major spaces" are defined as hallways and common areas. SROs must also have hard-wired smoke detectors.
- ❑ **Sanitary Facilities:** At least one flush toilet that can be used in privacy, a lavatory basin, a bathtub or shower in proper operating condition must be provided for each six persons (or fewer) residing in the SRO facility. If the SRO units are leased only to men, flush urinals may be substituted for up to one half of the required number of toilets.

Sanitary facilities must be reasonable accessible from a common hall or passageway, and may not be located more than one floor above the SRO unit. They may not be located below grade unless the SRO units are located on that level.

- ❑ **Space and Security:** A SRO unit must contain at least 110 square feet of floor space, and at least four square feet of closet space with an unobstructed height of at least five feet, for use by the occupant. If the closet space is less than four square feet, the habitable floor space in the SRO unit must be increased by the amount of the deficiency. Exterior doors and windows accessible from the outside the SRO unit must be lockable.

#### **10.3.16      Serious Deficiencies**

Assisted units must meet all HQS performance requirements in order to pass an inspection. The LACDA has compiled the following list of specific conditions that are considered serious deficiencies that may cause a unit to fail an inspection. This list assists inspectors in making a determination regarding the condition of an assisted unit; however, deficiencies are not limited to this list:

1. No TPR/Drainpipe on water heater
2. Clogged toilets/sinks/wash basins/bathtubs
3. Severely worn or torn floor coverings posing a tripping hazard
4. Evidence of vermin infestation (fleas, roaches, termites, mice, and rats) in and around assisted unit
5. Excessive rubbish or debris in or around the assisted unit
6. Heavy accumulation of brush, weeds or tree branches near or extending over the assisted unit or in the power lines
7. Uneven, broken or lifting exterior walkways or driveways that pose a tripping hazard
8. Missing, loose or broken handrails, guardrails or balusters
9. Lack of windows in living or sleeping rooms
10. Lack of exterior ventilation (window or exhaust fan) in bathroom
11. Flammable or combustible materials stored near water heater or furnace
12. Missing or inoperable security bar release mechanism on bedroom windows
13. Evidence of sewage in or around assisted unit
14. Exterior doors or windows that do not open, close or lock properly
15. Exterior doors or windows that do not close and form a reasonably weather tight seal
16. Inoperable refrigerator or stove/range/oven
17. Hot water heaters not seismically restrained

#### **10.4      LEAD-BASED PAINT**

**[24 CFR §982.401(j)]**

The LACDA's rental assistance programs are subject to the requirements of the Lead-Based Paint Poisoning Prevention Act and the Residential Lead-Based

Paint Hazard Reduction Act of 1992. Applicable regulations are detailed in 24 CFR §35.

The LACDA will be responsible for the collection of LBP disclosure information; conducting Visual Assessment inspections; assuring that Clearance Examinations are conducted; collect data regarding Elevated Blood Lead Level (EBLL) cases, and informing owners of their responsibilities.

#### **10.4.1 Disclosure**

##### **[24 CFR §35(Subpart A)]**

Owners of units built before 1978 are required to disclose to lessees all available information about the presence of lead-based paint or lead-based paint hazards and provide any available record or reports pertaining to the presence of lead-based paint or lead-based paint hazards, before the lease is enacted.

Lessees must also receive a copy of the lead hazard information pamphlet, "Protect Your Family From Lead in Your Home."

For all new contracts, the LACDA will require owners to certify on the RTA that they have met all applicable lead-based paint disclosure requirements. If applicable, the LACDA will require owners to submit a copy of the lead-based paint disclosure statement, and any inspection reports.

The LACDA will include a sample lead-based paint disclosure form and a lead hazard information pamphlet in voucher issuance packets for participants. Materials will be made available directly to owners upon request.

For units built before 1978, the LACDA will not approve an owner lease without receiving all applicable lead-based paint disclosure information.

#### **10.4.2 Lead-Based Paint Visual Assessment**

##### **[24 CFR §35.1215]**

The LACDA is required to conduct lead-based paint visual assessments for all units built prior to 1978 that house or will house a child or children under 6 years of age, at the time of the new contract inspection and at re-inspections.

The LACDA inspectors conducting lead-based paint visual assessments will be trained according to HUD requirements.

The purpose of the visual assessment is to identify any deteriorated paint. Deteriorated paint is paint that is peeling, chipping, chalking or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate. Inspectors will check the condition of painted surfaces. If any deteriorated paint is found in the course of the inspection, the unit will fail the lead-based paint visual assessment. Owners must perform paint stabilization on all deteriorated paint surfaces regardless of the size of the deteriorated surface. If the amount of deteriorated paint is below the de minimis level, the owner must perform paint stabilization, but is not required to perform lead-safe work practices and clearance. The de minimis thresholds are defined as 20 sq. ft. (2 sq. meters) on exterior surfaces; 2 sq. ft. (0.2 sq. meters) in any one interior room or space; or 10% of the total surface

area on an interior or exterior type of component with a small surface area (such as window sills, baseboards, and trim).

If deteriorated paint exceeds the de minimis thresholds as defined by HUD, the unit will fail the lead-based paint visual assessment and require stabilization and a clearance report

#### **10.4.3 Stabilization and Clearance**

##### **[24 CFR §35.1215]**

Owners of units that fail the lead-based paint visual assessment above de minimis levels will be required to stabilize deteriorated paint in order for the unit to pass, using lead-safe work practices.

The LACDA will send a letter to owners of failed units that provides guidance on stabilizing paint and other required activities. Owners will have 30 calendar days from the letter date to complete the following:

- **Repair the deteriorated paint.** Work must be performed by certified lead workers using lead-safe work practices. The LACDA will provide owners with resources and information on meeting these guidelines.
- **Obtain a Clearance Report.** A contractor certified by the Environmental Protection Agency (EPA) must inspect the unit and prepare a Clearance Report summarizing the work completed and the inspection results.
- **Complete the LACDA's Lead-Based Paint Owner Certification form.** The owner must certify that all applicable requirements have been met.
- **Submit Clearance Report and Certification to the LACDA.** The LACDA will accept paperwork by mail, fax, and hand delivery.

The owner is responsible for informing tenants of all lead hazard reduction work and evaluations, in a manner consistent with HUD regulations.

If the unit has been previously certified free of lead-based paint by a certified inspector, the owner may submit a copy of the inspector's report, along with the certification form, to the LACDA.

The LACDA will review the Clearance Report and certification form for completeness. The Clearance Report must contain all information required by HUD. If the Clearance Report passes, the unit will receive a pass on the visual assessment; no further inspection visit is required.

On new contracts inspections, the passing Clearance Report and valid certification form must be received by the LACDA before the LACDA can enter into a HAP Contract with the owner. If this does not take place within 30 calendar days, the LACDA will cancel the RTA.

For biennial inspections, if the owner fails to submit the passing Clearance Report and valid certification form within 30 calendar days, the Housing Assistance Payments (HAP) will be placed on hold (abated) for the unit and the participant will be issued a voucher. The owner will have an additional 60 calendar days to obtain and submit a valid Clearance Report before the HAP Contract is terminated. See Section 10.11.1 for details on abatement.

Assisted Housing's Director will review reasonable cause requests for extension. Extension requests must be submitted in writing within the first 30 calendar days of the failed lead-based paint visual assessment. An extension shall not extend beyond 90 days after the date of notification to the owner of the results of the visual assessment. If an extension is approved, the HAP will not be abated during this extension period. Reasonable cause circumstances include prohibitive weather conditions, financial hardship, and rehabilitation in progress.

#### **10.4.4 Children with Environmental Intervention Blood Lead Levels**

##### **[24 CFR §35.1225]**

On a quarterly basis, the Division will send the Los Angeles County Department of Health Services Childhood Lead Poisoning Prevention (CLPP) Program the addresses of assisted families with children under the age of 6. CLPP Program staff will check the addresses for matches with cases of identified Environmental Blood Lead Levels (EBLL). If a match is found, CLPP Program staff will conduct an Environmental Investigation of the occupied unit and forward a report to the Division. An Environmental Investigation is a comprehensive evaluation for LBP hazards that goes beyond the Visual Assessment component including paint testing, and dust and soil sampling. The Environmental Investigation Report identifies lead hazards and appropriate lead hazard reduction methods.

A copy of the Environmental Investigation Report must immediately be forwarded to the participating owner once received by the Division. The owner must post a Notice of Lead Hazard Evaluation within 15 calendar days and complete lead hazard reduction and clearance activities as advised in the Report within 30 calendar days.

The LACDA must also conduct a Risk Assessment of other assisted units at the same property that house children under the age of 6, within 30 calendar days of receiving the Environmental Investigation Report, if lead hazards were identified.

The LACDA is not allowed to assist any other participant in the unit until the owner complies with the Report.

If informed about an EBLL case from a source other than the CLPP Program, the Division must submit the information to the CLPP Program within 5 calendar days. The CLPP Program will conduct an Environmental Investigation of the occupied unit if required.

#### **10.5 INSPECTIONS SCHEDULE**

Inspections are conducted on business days between the hours of 7:00 a.m. and 5:00 p.m. An individual over 18 years of age must be present to allow entry for the inspector.

#### **10.6 NEW CONTRACT (INITIAL) INSPECTIONS**

##### **[24 CFR §982.305(b)(2)(i)(B)]**

Under normal circumstances, a new contract (initial) inspection is conducted within 15 calendar days following the receipt of a Request for Tenancy Approval. The new contract inspection is conducted in order to:

1. Determine if the unit, including common areas, meets housing quality standards.
2. Document the current condition of the unit. This will serve as the basis to evaluate the future condition of the unit, i.e. excessive wear and tear.

#### **10.6.1 When HQS Deficiencies Must Be Corrected**

If the unit fails the initial inspection, the unit will be scheduled for a follow-up inspection within 10 calendar days. The owner will be given 30 calendar days to correct the deficiencies. The owner can request an inspection sooner if repairs have been made prior to the scheduled follow-up inspection date.

If the time period given by the LACDA to correct the deficiencies has lapsed, or the maximum of three failed inspections has occurred, the family must select another unit.

The LACDA will not enter into a HAP Contract with the owner until the unit passes the inspection. However, the family may already be in the unit when the new contract inspection is conducted. If the family lives in the unit at the time of the new contract inspection, they are responsible for meeting their HQS obligations. See Section 10.8 for details of the family's HQS obligations.

### **10.7 BIENNIAL AND INTERIM INSPECTIONS**

**[24 CFR §982.405]**

#### **10.7.1 Biennial Inspections**

HUD requires each unit under HAP contract have a biennial Housing Quality Standards inspection no more than 24 months after the most recent initial or biennial inspection.

As permitted by HUD and at the LACDA's discretion, the LACDA may meet its biennial inspection requirement by accepting a comparable passed inspection performed under the HOME Investment Partnership (HOME) program or housing financed using Low Income Housing Tax Credits (LIHTCs), or inspections performed by HUD.

As stated in the family obligations, the family must allow the LACDA to inspect the unit at reasonable times and after reasonable notice. The LACDA will notify the family and/or owner of the date and time of the scheduled inspection appointment in writing at least 15 calendar days prior to the inspection.

Appointments may be rescheduled before the scheduled inspection as long as the new inspection date allows the LACDA to remain in compliance with HUD HQS requirements. Inspections may be rescheduled by phone, fax or email.

If the family misses the inspection appointment and fails to contact the LACDA to reschedule the inspection beforehand, the LACDA will consider the family to be in violation of the Certified Statement of Family Obligation agreement and will

initiate termination procedures in accordance with the LACDA's policy for proposed termination. If the family missed the inspection appointment for good cause, including but not limited to, illness, injury, or hospitalization, the LACDA may consider, on a case by case basis, evidence to support the reason for the missed appointment before proposing termination. If it is the first time the family missed an inspection appointment without good cause, a one-time counseling session will be conducted with the family in lieu of proposing termination.

#### **10.7.2 Interim Inspections**

Interim inspections are conducted at the request of the owner, family, or agency (usually as a result of a violation of HQS or violation of the lease). Interim inspections may be scheduled and conducted at any time of the year.

### **10.8 FAILED INSPECTIONS: DETERMINATION OF RESPONSIBILITY** **[24 CFR §982.404]**

#### **10.8.1 Family Responsibilities**

The family is responsible for correcting the following HQS deficiencies:

- Family-paid utilities not in service.
- Failure to provide or maintain appliances owned by the family.
- Damages to the unit or premises caused by a household member or guest beyond normal wear and tear that results in a breach of the HQS.
  - "Normal wear and tear" is defined as items that could be charged against the family's security deposit under state law or court practice.

#### **10.8.2 Owner Responsibilities**

The owner is responsible for all other HQS violations not listed as a family responsibility above, even if the violation is caused by the family's living habits (e.g., vermin infestation). However, if the family's action constitutes a serious or repeated lease violation the owner may take legal action to evict the family.

### **10.9 FAILED INSPECTIONS: WHEN DEFICIENCIES MUST BE CORRECTED** **[24 CFR §982.404(a)(b)]**

#### **10.9.1 Emergency Fail Deficiencies**

Items that endanger the family's health or safety are considered emergency fails. These deficiencies must be corrected within 24 hours of inspection. The following deficiencies are considered life-threatening, emergency fails, and will cause a unit to be labeled uninhabitable:

- Gas leaks
- Major plumbing problems
- No running water

- No functioning toilet
- Unstable roof/structure

In cases where the unit is deemed uninhabitable, the family will be issued a voucher within 24 hours so that they can make arrangements to secure another residence if necessary.

If an emergency fail deficiency is not corrected in the time period required by the LACDA, and the owner is responsible, the housing assistance payment will be abated immediately and the contract will be terminated.

If repairs are completed and the family wishes to move back into the unit, a new RTA will need to be submitted for that unit and the New Contract Process will need to be completed again.

If the emergency fail deficiency is not corrected in the time period required by the LACDA, and the family is responsible, the LACDA will terminate the family's assistance for violating family obligations (see Chapter 15: Termination of Assistance), but will not abate the payment to owner for that month.

#### **10.9.2 Non-Emergency Fail Deficiencies**

Biennial or Interim inspections that result in non-emergency deficiencies that cause a unit to fail must be corrected within 30 calendar-days.

Non-emergency deficiencies include, but are not limited to:

- Inoperable gas wall or floor heater
- Damaged (not missing) outlet covers
- Inoperable secondary smoke detectors
- Presence of vermin/roaches (not infestation)
- Minor faucet and/or plumbing leaks

The family and owner will be notified of the failed items and next scheduled inspection in writing. Owner related non-emergency deficiencies will not require a follow-up inspection if cleared by an owner certification and appropriate third-party verification. If the owner opts to submit a certification it must be signed by both owner and participant. Appropriate third-party documentation must also be supplied to support the certification. Types of appropriate verifications include but are not limited to:

- Photo(s) of the repair,
- Utility receipt, and
- Vendor receipt or invoice.

If the certification is not approved by a supervisor, a follow-up inspection must be performed. Non-emergency deficiencies for units under the Project-Based Voucher program may not be cleared remotely. A follow up inspection must be conducted.

If the necessary repairs have been completed prior to the next scheduled inspection and have not been cleared by a certification signed by both owner and participant, the owner or tenant may request an earlier inspection date.

Requests for earlier repair dates will be reviewed and accommodated in a case-by-case basis.

For major repairs, the Inspections Unit Supervisor or Manager may approve an extension beyond 30 calendar days. However, the extension granted cannot exceed 60 calendar days.

If owner-caused deficiencies are not corrected in the time period required by the LACDA, housing assistance payments will be abated and the contract may be terminated. If family-caused deficiencies are not corrected in the time period required by the LACDA, housing assistance may be terminated. See Sections 10.10 and 10.11 below for more information.

## **10.10 CONSEQUENCES OF VERIFIED FAMILY-CAUSED DEFICIENCIES**

### **[24 CFR §982.552(a)]**

The family has a responsibility to maintain the assisted unit in good condition and to notify the owner of needed repairs. Under HQS, the family is responsible for correcting any HQS violation listed in section 10.8.1 of this chapter. If non-emergency violations of HQS are determined to be the responsibility of the family, the LACDA will require the family to make any repair(s) or corrections within the 30 calendar-day cycle.

Housing assistance will be terminated if an assisted unit continues to fail housing inspections for family-caused deficiencies or the family fails to keep scheduled appointment(s). See Chapter 16 (Informal Reviews/Hearings) for more information regarding a family's right to an informal hearing under a termination of housing assistance for a breach of the HQS caused by the family.

If the owner carries out a repair for which the family is responsible under the lease, the owner may bill the family for the cost of the repair.

Extensions will be granted on a case-by-case basis and must be approved by the Unit Supervisor. Extensions may be granted as a reasonable accommodation in accordance with sections 1.9.2 and 7.11.10.

If it has been concluded that all deficiencies are family-caused, the owner's rent will not be abated for such items.

## **10.11 CONSEQUENCES OF VERIFIED OWNER-RELATED DEFICIENCIES**

### **[24 CFR §982.404(a), 24 CFR §982.452 and 24 CFR §982.453]**

The owner is responsible for maintaining the unit in accordance with HQS. When it has been determined that an assisted unit fails to meet HQS, the owner of that unit is responsible for completing the necessary repair(s) in the time period specified by the LACDA. If the owner fails to correct deficiencies within the specified time period, the LACDA is obligated to withhold (abate) housing assistance payments.

#### **10.11.1 Abatement**

##### **[24 CFR §982.453(b) and 24 CFR §982.404(a)(3)]**

Abatement is defined as withholding Housing Assistance Payments (HAP) to the owner for the period of time the unit is out of compliance with HQS requirements.

HAP will be abated if:

**1. The assisted unit fails the first and second housing inspections due to owner-related deficiencies.**

If a unit fails the first inspection due to owner-related deficiencies, the notice sent to the owner stating the deficiencies, repairs that need to be made, and the date of the next inspection will also serve as notice that HAP will be abated if the unit fails a second inspection due to owner-related deficiencies.

If, after the 30-day correction period, the unit then fails the second inspection due to owner-related deficiencies, the LACDA will stop payment on the first day of the month following the expiration of the 30-day correction period.

The owner will be notified of the date of a final inspection. Under normal circumstances, the LACDA will inspect an abated unit within 30 calendar days after the abatement notification has been issued.

If the owner makes repairs during the abatement period, HAP payments will resume on the day the LACDA's inspector has verified the corrections and the unit passes inspection.

A standard calculation using the actual days in the month to establish a daily rate will be used to reconcile abatement payments. No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS. The notice of abatement states that the family is not responsible for the LACDA's portion of rent that is abated. However, the family is responsible to pay its portion of the rent while abatement is in effect.

If an assisted unit fails the third and final housing inspection for owner-caused deficiencies, the LACDA will terminate the HAP Contract. The LACDA will notify the owner of the termination in writing 30 calendar days before it becomes effective. Abatement will remain in effect until the effective date of the termination.

The LACDA is prohibited from implementing rent abatement for family-caused deficiencies. However, abatement will apply if family-caused and owner-related deficiencies exist together.

**2. The LACDA has verified that the assisted unit has emergency fail deficiencies, and the owner did not complete the necessary repairs within the required timeframe.**

**3. A unit built before 1978 that houses or will house a child under 6 years of age fails the lead-based paint visual assessment, and the owner fails to submit a complete, passing clearance report and certification within 30 calendar days.** If a unit fails the lead-based paint visual assessment, the owner will have 30 calendar days from the date of

the notice to perform clearance and submit passing paperwork. If the owner fails to meet these requirements (see Section 10.4 for more information on lead-based paint), HAP will be abated and the LACDA will stop payment on the first day of the month following. The participant will be issued a voucher. The owner will have an additional 60 calendar days to obtain and submit a valid Clearance Report before the HAP Contract is terminated.

Families that reside in units that have been abated will be issued a voucher and will have the option to move even if the assisted unit passes inspection at the third and final inspection.

#### **10.11.2      Termination of Contract**

##### **[24 CFR §982.453(b)]**

When the HAP Contract has been terminated, the family will be required to move in order to continue receiving rental assistance.

RTA submitted for units that have been terminated due to abatement will be reviewed on a case-by-case basis. In cases where the RTA is accepted, the family will be brought in for counseling on their situation.

#### **10.12   QUALITY CONTROL INSPECTIONS**

##### **[24 CFR §982.405(b)]**

To ensure efficient program operations, it is essential for management to apply sound quality control practices. The purpose of quality control inspections is to objectively ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in application of HQS.

Quality control inspections will be performed by a Quality Assurance Representative according to SEMAP Indicator #5 which meets the minimum quality control sample size for the number of units under HAP contract during the last completed LACDA fiscal year for SEMAP.

## **Chapter 11:**

### **PAYMENT STANDARDS AND DETERMINING RENT REASONABLENESS**

#### **11.1 INTRODUCTION**

##### **[24 CFR §982.503]**

The LACDA is responsible for ensuring that the rents charged by owners are reasonable based upon objective comparables in the rental market. When the LACDA has determined that the unit meets the minimum HQS, that the lease is approvable, and that the rent is reasonable, it will make timely payments to the owner and notify the owner of the procedures for rent adjustments in the rental assistance programs. This chapter explains the LACDA's procedures for setting and applying the payment standards and performing rent reasonableness analysis.

#### **11.2 SETTING PAYMENT STANDARDS**

##### **[24 CFR §982.503]**

The Payment Standard sets the maximum subsidy payment a family can receive from the LACDA each month. Payment Standards are based on Fair Market Rents (FMRs) published annually by HUD. FMRs are set at a percentile within the rent distribution of standard quality rental housing units in each FMR area. For most jurisdictions FMRs are set at the 40th percentile of rents in the market area.

LACDA must establish a Payment Standard schedule that establishes Payment Standard amounts for each FMR area within the LACDA's jurisdiction and for each unit size within each of the FMR areas. For each unit size, the LACDA may establish a single Payment Standard amount for the whole FMR area or may set different Payment Standards for different parts of the FMR area. Unless HUD grants an exception, the LACDA is required to establish a Payment Standard within a "basic range" established by HUD – between 90 and 110 percent of the published FMR for each unit size.

##### **11.2.1 Updating Payment Standards**

The LACDA must revise the payment standard amount no later than 3 months following the effective date of the published FMR if a change is necessary to stay within the basic range. The LACDA must set the payment standard at a level that is high enough to ensure that families are able to afford quality housing while also balancing the need to provide assistance to as many families on the waiting list as possible.

The LACDA will review the payment standards at least annually to determine whether an adjustment should be made for some or all unit sizes. The following provides a list of the factors that will be used to evaluate the adequacy of the

payment standard and/or be used to make a determination to adjust standards, as appropriate.

As a reasonable accommodation, a family may request a higher payment standard. The LACDA may, at its discretion and in accordance with sections 1.9.5, approve a higher payment standard to 120% of the prevailing Fair Market Rent (FMR).

#### **11.2.2 Funding Availability**

LACDA will review the budget to determine the impact projected subsidy adjustments will have on funding available for the program and the number of families served. LACDA will compare the number of families who could be served under revised Payment Standard amounts with the number assisted under current Payment Standard amounts.

#### **11.2.3 Assisted Families' Rent Burdens**

The LACDA will review reports showing the percent of income used for rent by voucher families to determine the extent to which the rent burden is more than 50 percent of income.

If more than 40 percent of program families in the overall program, or for a specific unit size, are contributing in excess of 50 percent of their adjusted monthly income towards rent, the LACDA will consider increasing the voucher payment standards. The payment standard will not be raised if:

- The payment is already at the maximum level HUD will allow (110%).
- The LACDA would have to reduce the number of new admissions by 20 percent or more for the upcoming year in order to fund the increase.

#### **11.2.4 Success Rate of Voucher Holders**

The LACDA will periodically review the success rate of voucher holders. If 25 percent or more of new admissions and/or families wishing to move are unable to use the vouchers due to current rental rates in Los Angeles County, the LACDA will consider increasing the payment standard for particular unit sizes and/or the entire program, as appropriate.

The payment standard will not be increased if:

- The payment is already at the maximum HUD will allow (110%)
- The LACDA would have to reduce the number of new admissions by 20 percent or more for the upcoming year in order to fund the increase

#### **11.2.5 Rent Reasonableness Database**

The LACDA will review the rent information in the rent reasonableness data bank and compare it to the payment standards established for the Housing Choice Voucher Program. If the rent reasonableness review indicated that the payment standards are higher than the average rental unit in Los Angeles County, the

payment standard for the specific unit size, or all payment standards, will be lowered to reflect the current market rents.

#### **11.2.6 Quality of Units Selected**

The LACDA will review the quality of units selected by participant families before determining any change to the Payment Standard to ensure that Payment Standard increases are only made when needed to reach the mid-range of the market.

#### **11.2.7 File Documentation**

A file will be retained in the LACDA's Administrative Support Unit for at least 3 years to document the analysis and findings to justify whether or not the Payment Standard was changed.

### **11.3 EXCEPTION PAYMENT STANDARDS**

#### **[24 CFR §982.503(c)]**

LACDA must request HUD approval to establish Payment Standards that are higher than the basic range. At HUD's sole discretion, HUD may approve a Payment Standard amount that is higher than the basic range for a designated part of the FMR area. HUD may approve an exception Payment Standard amount (in accordance with program requirements) for all units or for all units of a given size, leased in the exception area. The total population of all HUD-approved exception areas in an FMR area may not include more than 50 percent of the population of the FMR area.

### **11.4 UNIT-BY-UNIT EXCEPTIONS**

[24 CFR §982.503(c)(2)(ii), §982.505(d), and Notice PIH 2010-26]

Unit-by-unit exceptions to the LACDA's Payment Standards generally are not permitted. However, an exception may be made as a Reasonable Accommodation for a family that includes a person with disabilities. This type of exception does not affect the PHA's Payment Standard schedule.

When needed as a Reasonable Accommodation, LACDA may make an exception to the Payment Standard without HUD approval if the exception amount does not exceed 110 percent of the applicable FMR for the unit size.

LACDA may request HUD approval for an exception to the Payment Standard for a particular family, if the required amount ~~falls between 110 and~~ is above 120 percent of the FMR.

A family that requires a Reasonable Accommodation may request a higher Payment Standard at the time the Request For Tenancy Approval (RTA) is submitted. The family must document the need for the exception.

In order to approve an exception or request an exception from HUD, LACDA must determine that:

- There is a shortage of affordable units that would be appropriate for the family;

- The family's share would otherwise exceed 40 percent of adjusted monthly income; and
- The rent for the housing unit is reasonable.

### **11.5 SUCCESS RATE PAYMENT STANDARD AMOUNTS**

#### **[24 CFR §982.503(e)]**

If a substantial percentage of families have difficulty finding a suitable unit, the LACDA may request a "Success Rate Payment Standard" that applies to the entire jurisdiction. If approved by HUD, a success rate Payment Standard allows the LACDA to set its Payment Standards at 90-110 percent of a higher FMR (the 50th, rather than the 40th percentile FMR). To support the request, the PHA must demonstrate that during the most recent 6-month period for which information is available:

- Fewer than 75 percent of families who were issued Vouchers became participants;
- The LACDA established Payment Standards for all unit sizes and for the entire jurisdiction at 110 percent of the published FMR; and
- The LACDA had a policy of allowing Voucher holders who made sustained efforts to locate units at least 90 days to search for a unit.

Although HUD approves the success rate Payment Standard for all unit sizes in the FMR area, the PHA may choose to adjust the Payment Standard for only some unit sizes in all or a designated part, of the LACDA's jurisdiction within the FMR area.

### **11.6 DECREASES IN THE PAYMENT STANDARD BELOW THE BASIC RANGE**

#### **[24 CFR §982.503(d)]**

LACDA must request HUD approval to establish a Payment Standard amount that is lower than the basic range. At HUD's sole discretion, HUD may approve establishment of a Payment Standard lower than the basic range. HUD will not approve a lower Payment Standard if the family share for more than 40 percent of program participants exceeds 30 percent of adjusted monthly income.

### **11.7 APPLYING PAYMENT STANDARDS**

#### **[24 CFR §982.505]**

The LACDA's schedule of Payment Standards is used to calculate Housing Assistance Payments for HCV families. This section covers the application of the LACDA's Payment Standards.

Payment Standard is defined as "the maximum monthly assistance payment for a family assisted in the Voucher program (before deducting the Total Tenant Payment by the family)". [24 CFR §982.4(b)]

The Payment Standard for a family is the lower of (1) the Payment Standard for the family unit size, which is defined as the appropriate number of bedrooms for

the family under the LACDA's Subsidy Standards [24 CFR §982.4(b)] or (2) the Payment Standard for the size of the dwelling unit rented by the family.

If the LACDA has established an exception Payment Standard for a designated part of an FMR area and a family's unit is located in the exception area, the LACDA must use the appropriate Payment Standard for the exception area.

The LACDDA is required to pay a monthly Housing Assistance Payment (HAP) for a family that is the lower of (1) the Payment Standard for the family minus the family's TTP or (2) the gross rent for the family's unit minus the TTP.

If during the term of the HAP Contract for a family's unit, the owner lowers the rent, the LACDA will recalculate the HAP using the lower of the initial Payment Standard or the gross rent for the housing unit. [HCV GB, page 7-8]

## **11.8 CHANGES IN PAYMENT STANDARDS**

When the LACDA revises the Payment Standards during the term of the HAP Contract for a family's unit, it will apply the new Payment Standards in accordance with HUD regulations.

### **11.8.1 DECREASES IN PAYMENT STANDARDS**

If the amount on the Payment Standard schedule is decreased during the term of a HAP Contract, the lower Payment Standard generally will be used beginning at the effective date of the family's second regular reexamination following the effective date of the decrease in the Payment Standard. The LACDA will determine the Payment Standard for the family as follows:

**Step 1:** At the first regular reexamination following a decrease in the Payment Standard, the LACDA will determine the Payment Standard for the family using the lower of the Payment Standard for the family unit size or the size of the assisted unit.

**Step 2:** The LACDA will compare the Payment Standard from step 1 to the Payment Standard last used to calculate the monthly Housing Assistance Payment for the family. The Payment Standard used by the LACDA at the first regular reexamination following the decrease in the Payment Standard will be the higher of these two Payment Standards. The LACDA will advise the family that the application of the lower Payment Standard will be deferred until the second regular reexamination following the effective date of the decrease in the Payment Standard.

**Step 3:** At the second regular reexamination following the decrease in the Payment Standard, the lower Payment Standard will be used to calculate the monthly Housing Assistance Payment for the family unless the LACDA has subsequently increased the Payment Standard, in which case the Payment Standard will be determined in accordance with procedures for increases in Payment Standards described below.

### **11.8.2 INCREASES IN PAYMENT STANDARDS**

If the Payment Standard is increased during the term of the HAP Contract, the increased Payment Standard will be used to calculate the monthly Housing

Assistance Payment for the family beginning on the effective date of the family's first regular reexamination on or after the effective date of the increase in the Payment Standard.

Families requiring or requesting interim reexaminations will not have their assistance calculated using the higher Payment Standard until their next annual reexamination.

### **11.8.3 CHANGES IN FAMILY UNIT SIZE**

Irrespective of any increase or decrease in the Payment Standard, if the family unit size increases or decreases during the HAP Contract term, the new family unit size must be used to determine the Payment Standard for the family beginning at the family's first regular reexamination following the change in family unit size.

### **11.8.4 REASONABLE ACCOMMODATION**

If a family requires a higher Payment Standard as a Reasonable Accommodation for a family member who is a person with disabilities, the LACDA is allowed to establish a higher Payment Standard for the family within the basic range.

## **11.9 RENT REASONABLENESS DETERMINATIONS**

### **[24 CFR §982.507]**

The purpose of the rent reasonableness test is to ensure that a fair rent is paid for each unit that is rented with Section 8 subsidized rental assistance.

HUD regulations define a reasonable rent as one that does not exceed the rent charged for comparable, unassisted units in the same market area. HUD requires that owner not charge more for assisted units than for comparable units on the premises. By accepting the LACDA payment each month, the owner certifies that the rent is not more than the rent charged for comparable unassisted units on the premises. If asked to do so, the owner must provide the LACDA information regarding rents charged for other units on the premises.

As required by HUD, the LACDA will obtain the services of an independent entity to determine rent reasonableness in accordance with program requirements §982.352(b).

This section provides the methods LACDA uses to determine a unit's rent is reasonable.

## **11.10 WHEN RENT REASONABLENESS DETERMINATIONS ARE REQUIRED**

### **11.10.1 LACDA and HUD initiated Rent Reasonableness Determinations**

HUD requires LACDA make a redeterminations of rent at the HAP contract anniversary if there is a 10 percent decrease in the published fair market rent

(FMR) in effect 60 days before the HAP contract anniversary. The LACDA may also re-determine reasonable rents at any time.

#### **11.10.2 Owner Initiated Rent Determinations**

The LACDA must make a rent reasonableness determination at initial occupancy. At initial occupancy, the LACDA must determine the proposed rent reasonable before executing a HAP contract. Subsequent requests must be in accordance with the lease between the owner and the family. Subsequent requests must also be in accordance with HUD requirements and the LACDA policy.

As stated in the HUD Tenancy Addendum, the owner must notify the LACDA at least 60-days before the proposed effective date of the intended rent increase. The owner must notify the LACDA by submitting the LACDA's Rent Increase form and providing a copy of the tenant's notice. The tenant must be notified in writing, at least 60-days before the proposed effective date of the intended rent increase. Rent adjustments will be effective the first of the month following 60-days of LACDA's receipt of the owner's request via a completed Rent Increase Form or on the date specified by the owner, whichever is later.

In accordance with the HUD Tenancy Addendum, the LACDA will disapprove requests made during the initial term of a lease. Requests can be made any time after the initial term of the lease.

As authorized by the HAP contract, the LACDA will not approve a rent increase if the HAP contract is in abatement for owner-related HQS deficiencies.

The LACDA will use the same criteria defined in this rent reasonableness determinations and methodology section to ensure a request for a rent increase meets HUD's rent comparability requirement. If the asking rent is determined not be reasonable, the LACDA will advise both the owner and the family that the increase cannot be approved. If a partial rent increase can be approved, the LACDA will notify the owner, and process the partial increase upon owner approval. Additionally, the rent will be reduced if the existing rent exceeds the reasonable rent as most recently determined in accordance with section 11.3 of this Plan.

#### **11.10.3 Rent Determination for units with Low Income Housing Tax Credits (LIHTC) or HOME-funded subsidies**

##### **[24 CFR 982.507(c)]**

For units receiving low-income housing tax credits (LIHTCs) or units assisted under HUD's HOME Investment Partnerships (HOME) Program, a rent comparison with unassisted units is not required if the voucher rent does not exceed the rent for other LIHTC- or HOME-assisted units in the project that are not occupied by families with tenant-based assistance.

For LIHTCs, if the rent requested by the owner does exceed the LIHTC rents for non-voucher families, the LACDA must perform a rent reasonableness determination (AffordableHousing.com) in accordance with program regulations. In such cases, the rent shall not exceed the lesser of:

- 1) The reasonable rent as determined from the rent reasonableness determination; or
- 2) The payment standard established by the LACDA for the unit size involved.

#### **11.10.4 RENT REDUCTIONS**

At any time, the owner may request a reduction of the contract rent by submitting a written notice to the LACDA. The notice must state the requested contract rent amount and the effective date of the reduction.

Retroactive reductions will only be considered if the owner is mandated to reduce the contract rent in order to become compliant with the obligations of any other rental assistance programs such as the HOME program or the Low Income Housing Tax Credit (LIHTC) program. In such cases, the owner must provide a copy of the notice requiring a retroactive reduction of the contract rent.

### **11.11 METHODOLOGY USED FOR ESTABLISHING UNIT COMPARABILITY**

#### **11.11.1 FACTORS TO CONSIDER**

The LACDA contracts with an outside third-party vendor, AffordableHousing.com to provide a Rent Comparable System. The third-party vendor collects data and provides an online system that considers a variety of criteria to determine rent comparable information, including:

- Unit Location
- Quality
- Size
- Type
- Age of the contract unit
- Amenities
- Housing services
- Maintenance; and
- Utilities provided by the landlord.

The third-party vendor gathers open market rental data on an ongoing basis from websites and newspapers and applies a hedonic price analysis to compare a subject unit with similar comparable units in a geographic area. Comparable units represent unrestricted market rents. Therefore, units that receive some form of federal, state, or local assistance that imposes rent restrictions are not considered comparable units.

#### **11.11.2 UNITS THAT MUST NOT BE USED AS COMPARABLES**

As noted above, comparable units must represent unrestricted market rents. Therefore, units that receive some form of federal, state, or local assistance that

imposes rent restrictions cannot be considered comparable units. These include units assisted by HUD through any of the following programs:

- Section 8 project-based assistance,
- Section 236 and Section 221(d)(3)
- Below Market Interest Rate (BMIR) projects,
- HOME or Community Development Block Grant (CDBG) program assisted units in which the rents are subsidized;
- units subsidized through federal, state, or local tax credits;
- units subsidized by the Department of Agriculture rural housing programs, and
- units that are rent-controlled by local ordinance.

See Notice PIH 2011-46 issued August 17, 2011 provides further guidance on the issue of what constitutes an assisted unit.

#### **11.11.3 RENTS CHARGED FOR OTHER UNITS ON THE PREMISES**

By accepting the LACDA's payment each month, the owner certifies that the rent is not more than the rent charged for comparable unassisted units on the premises. If asked to do so, the owner must give the LACDA information regarding rents charged for other units on the premises.

The LACDA ensures that rent for assisted tenant-based units do not exceed rents reported by the owner for like or similar units on the premises.

- For the initial contract of a unit, if the unit is a multifamily property (defined by HUD as consisting of five or more units on the premises), the owner must provide information on the last three rentals of like and similar unassisted units on the Request for Tenancy Approval (RTA).
- If an owner requests a rent increase, the owner must provide the LACDA with information on the three most recently rented unassisted like and similar units on the premises within the last year or indicate that there were no such rentals within the last year.

The rent for the unit may not exceed the lower of the reasonable rent as determined by the third party vendor system if such information is available or the most recent owner disclosed comparable rent for unassisted units on the premises provided by the owner.

In the case of a re-determination of rent reasonableness during the term of the HAP Contract, the LACDA may require an owner to provide rent reasonableness information in writing at any time.

#### **11.11.4 UNITS NOT COVERED BY THE THIRD PARTY VENDOR SYSTEM**

The third party vendor system does not provide information for mobile home space rentals. In some cases the third party vendor system may not provide adequate information on specific types of units in certain areas.

For units not covered by the system, the LACDA will email [hasupport@gosection8.com](mailto:hasupport@gosection8.com) to request comparables. The request will include the following information: The Full Subject Address and rent being requested. If applicable, the area in which the comparable must stay within (i.e. Zip Code or City).

## **Chapter 12:**

### **RE-EXAMINATION**

#### **12.1 INTRODUCTION** **[24 CFR §982.516(a)]**

To assure that tenancy is restricted to participants meeting the eligibility requirements for continued occupancy and are charged appropriate rents; the eligibility status of each participant is re-examined at least annually.

, based on the anniversary date, per HUD requirements.

##### **12.1.1 Procedure and Schedule**

As part of the annual reexamination process, families are required to provide updated information to the LACDA regarding the family's income, expenses, and composition. To maintain program efficiency and integrity, the LACDA at its own discretion may conduct re-examination interviews by mail, in-person, or through its Yardi Rent Café portal. The LACDA will attempt to conduct all annual re-examinations interviews through its online Rent Café portal.

The LACDA will begin the annual reexamination process approximately 120 days in advance of its scheduled effective date. Generally, the LACDA will schedule annual reexamination effective dates to coincide with the family's anniversary date.

For families who have language barriers and/or need assistance in accessing the online Rent Café portal, the LACDA will provide accommodations as necessary to ensure that the family can submit the required information and documents through the online Rent Café portal.

For people limited by a disability, the LACDA will engage in any necessary discourse to identify other reasonable alternatives to address the needs of the person that is limited by the disability to ensure that the annual reexamination requirement is fulfilled.

Anniversary date is defined as 12 months from the effective date of the family's last annual reexamination or, during a family's first year in the program, on the first day of the month from the effective date of the family's initial examination (admission). For some participants, the anniversary date established as of November 1, 2010 will remain unchanged.

In accordance with new requirements as the Secretary shall establish, the LACDA will implement triennial recertifications for households who establish that 90 percent or more of the family income consists of fixed income, as defined by the Secretary, and that the sources of such income have not changed since the previous year. The LACDA will conduct a review of each such family's income not less than once every 3 years.

The effective date of an annual reexamination may be no more than twelve months from the effective date of the previous year's annual reexamination, or the anniversary date of the HAP contract if within the first year of the contract.

## **12.2 STREAMLINED ANNUAL RE-EXAMINATIONS**

[24 CFR §982.516(B)]

HUD permits PHAs to streamline the income determination process for family members with fixed sources of income. While third-party verification of all income sources must be obtained during the intake process and every three years thereafter, in the intervening years the PHA may determine income from fixed sources by applying a verified cost of living adjustment (COLA) or rate of interest. The PHA may, however, obtain third-party verification of all income, regardless of the sources. Further, upon request of the family, the PHA must perform third-party verification of all income sources.

Fixed sources of income include Social Security and SSI benefits, pensions, annuities, disability or death benefits, and other sources of income subject to a COLA or rate of interest. The determination of fixed income may be streamlined even if the family also received income from other non-fixed sources.

Two streamlining options are available, depending upon the percentage of the family's income that is received from fixed sources. If at least 90 percent of the family's income is from fixed sources, the PHA may streamline the verification of fixed income but is not required to verify non-fixed income amounts. If the family receives less than 90 percent of its income from fixed sources, the PHA may streamline the verification of fixed income and must verify non-fixed income annually.

Given this HUD provided flexibility, the LACDA will streamline that annual reexamination process by applying the verified COLA or interest rate to fixed-income sources. The LACDA will document in the file how the determination that a source of income was fixed was made.

If a family member with a fixed source of income is added to the household, the PHA will use third-party verification of all income amounts for that family member.

If verification of the COLA or rate of interest is not available, the LACDA will obtain third-party verification of income amounts.

Third-party verification of fixed sources of income will be obtained during the intake process and at least once every three years thereafter.

Third-party verification of non-fixed income will be obtained annually regardless of the percentage of family income received from fixed sources.

### **12.3 RE-EXAMINATION NOTIFICATION TO THE FAMILY**

Participating families are advised of the annual re-examination requirement and the importance of reporting income and family composition changes as they occur during the initial re-examination.

#### **12.3.1 Persons with Disabilities** **[24 CFR §8.24(a)]**

Persons with disabilities who are unable to participate in the annual reexamination process will be granted a reasonable accommodation that meets the need presented by the disability and removes the barriers associated with fulfilling HUD's and the LACDA's annual reexamination requirements.

#### **12.3.2 Requirements to Attend an In-Person Interview**

If it is determined that a participant (family) will need to come to the LACDA's office then all adult household members 18 years and older will be required to attend the re-examination interview.

#### **12.3.3 Failure to Respond**

If a family fails to complete or return the required re-examination documents within the specified timeframe, the LACDA will schedule the family for a mandatory appointment. The appointment letter will provide the date and time of the appointment and a list of items that family will need to bring.

If the family fails to attend the appointment or fails to bring all the required information, the LACDA may proceed to propose termination of the family's assistance.

If the family is able to provide documentation of an emergency situation that prevented them from completing the required re-examination documents or attending the mandatory appointment, the Unit Supervisor at his/her own discretion may, on a case-by-case basis reschedule the appointment. The LACDA may also grant an exception to this policy as a reasonable accommodation.

#### **12.3.4 Documents Required from the Family**

The Rent Café portal re-examination, as well as the paper re-examination packet, will include instructions and appropriate forms (if applicable) that need to be submitted to complete the re-examination as follows:

1. Documentation of income for all family members;
2. Documentation of assets;
3. Documentation of medical or child care expenses;
4. Certified statement of family obligations;
5. Consent for Release of Information (signed by all household members over 18 years of age); and

Verification of these documents will be conducted in accordance with LACDA procedures and guidelines described in this plan.

### **12.3.5 Effective Dates**

If the tenant rent increases, a 30-day notice of increase in rent is sent to the family before the anniversary date.

If less than 30 calendar days are remaining before the anniversary date, the new tenant rent will be effective on the first of the month following the 30-day notice, but the reexamination will be effective no more than 12 months from the effective date of the last annual reexamination. If the LACDA was unable to process the re-examination on a timely basis due to the family's failure to provide re-examination documents, then the rent increase will be effective retroactive to the appropriate anniversary date.

If the family causes a delay in the re-examination processing, there will be a retroactive increase in rent to the anniversary date. In this particular case, the owner will receive a retroactive HAP payment and every effort will be made to recover lost rent from the tenant.

## **12.4 INTERIM RE-EXAMINATION** **[24 CFR §982.516(c)]**

Interim Reexaminations can be scheduled when the LACDA has reason to believe that changes in income or expenses may have occurred, or when the family reports a change. When a family reports a change, the LACDA may take different actions depending on whether the family reported the change voluntarily, or because the family was required to do so.

### **12.4.1 LACDA-Initiated Reexaminations**

LACDA-initiated interim reexaminations are those that are scheduled by the LACDA based on the following circumstances.

- If at the time of the Annual Reexamination, it is not feasible to anticipate a level of income for the next 12 months (e.g. seasonal or cyclic income), the LACDA will schedule a reexamination on a quarterly basis until it is feasible to project income.
- If at any time, the family is legitimately determined to be a zero-income family, the LACDA will conduct an interim reexamination every 3 months as long as the family continues to report that they have no income. The head-of household and each adult family member will be required to submit a completed Household Expense Report to document expenses for the prior 3-month period. The family may be required to undergo a credit report review and attend an in-person interview.
- If at the time of the annual reexamination, tenant-provided documents were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, the LACDA will conduct an interim reexamination.
- For Families receiving the Earned Income Disallowance (EID), the LACDA will conduct an interim reexamination at the start and conclusion of the second 12 month exclusion period (50 percent phase-in period).
- The LACDA may conduct an interim reexamination at any time to correct an error in a previous reexamination, or to investigate tenant fraud.

Families whose past employment has been sporadic, or that are on welfare, become employed then subsequently unemployed, or are self-employed, will not be scheduled for a LACDA-initiated reexamination. If such an income pattern has been established and is expected to continue, then a reasonable 12-month estimate of the income may be based on past income and present rate.

#### **12.4.2 Family-Initiated Interim Reexaminations**

[24 CFR 982.516(b)(2) and 24 CFR 982.516(c)]

HUD regulations require that the family be permitted to obtain an interim reexamination any time the family has experienced a change in circumstances since the last determination. In addition, the LACDA must adopt policies prescribing when and under what conditions the family must report changes in family income or expenses

##### **➤ Required Reporting**

[24 CFR 982.516(b)(2)]

Families are required to report all changes in earned and unearned income, assets, expenses, full-time student status, and family circumstances within 10 calendar days of the date the change takes effect.

Families will be required to pay back overpayments of rental assistance resulting from failure to report a change in income or family composition.

If a family reports a decrease in income from the loss of welfare benefits due to fraud or noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program, the family's share of the rent will not be reduced [24 CFR 5.615].

#### **12.4.3 Processing the Family-Initiated Interim Reexamination**

##### **➤ Standard for Reporting**

The LACDA requires that families report interim changes by completing an Interim Reexamination Request form, or by accessing the online Yardi Rent Café Portal, within 10 days of when the change occurs. The family will be required to submit the Interim Reexamination Request form, or report the change online via the Rent Café Portal, and submit supporting documentation for the change.

Generally, the family will not be required to attend an interview for an interim reexamination. However, if the LACDA determines that an in-person interview is warranted, the family may be required to attend. Based on the type of change reported, the LACDA will determine the documentation the family will be required to submit. The family must submit any required information or documents within 15 calendar days of the request. This time frame may be extended for good cause with LACDA approval. The LACDA will accept required documentation by mail, fax, email, through the tenant portal, or in person.

When income is calculated using anticipated annual average income, the LACDA may determine that the interim change is not necessary. The family will be sent a notice acknowledging the interim request and will be informed that no change is necessary. A downward change will not be made if it is determined that the change is temporary (less than 30-consecutive days).

Any changes that are reported as part of or concurrent with the timing of an annual recertification process will be made effective with the annual reexamination.

➤ **Effective Dates**

If the family share of the rent is to *increase*:

The increase generally will be effective on the first of the month following 30-days' notice to the family, if the change was reported within the required time frames.

If a family fails to report a change within the required time frames, or fails to provide all required information within the required time frames, the increase will be applied retroactively, to the date it would have been effective had the information been provided on a timely basis. In this case, the LACDA will not provide 30-days' notice to the family. The family will be responsible for any overpaid subsidy and may be offered a repayment agreement in accordance with policies in Chapter 17 Owner and Family Debts to the LACDA.

If the family share of rent is to *decrease*:

The decrease will be effective on the first day of the month following the month the change was reported and all documents are received and verified.

If the family is responsible, in whole or in part, for any delay in obtaining documentation, the decrease will apply on the first of the month after all verification of income has been obtained.

Documents requested by the LACDA in support of a decrease must be submitted within 15 calendar days of the request. The LACDA may grant an extension for circumstances beyond the control of the family. However, if the family is not responsive to a request for documentation, the LACDA will consider the family nonresponsive if more than 15 calendar days have elapsed since the deadline for the information and the family has not had any communication with the LACDA. In such cases, the family will be advised that the LACDA is not processing the decrease and must start the process over again if they wish to receive the decrease.

## **12.5 CHANGES IN FAMILY COMPOSITION** **[24 CFR §982.516(d) and 24 CFR §982.551(h)(2)]**

The composition of the assisted family residing in the unit must be approved by the LACDA. An interim re-examination will be conducted for any changes in family composition.

The LACDA may verify changes in family composition as detailed in Section 7.11.5.

**12.5.1 Allowable Family Additions**  
**[24 CFR §982.551(h)(2)]**

Allowable family additions are the following:

1. Addition due to birth, adoption or court awarded custody.
  - Must be reported to the LACDA, in writing, within 10 calendar days of the occurrence. Families should notify the owner and comply with any lease requirements to obtain owner approval.
2. Other allowable persons:
  - Addition of a foster child or foster adult that is in the legal guardianship or custody of the state, county, or private adoption or foster care agency, yet is cared for by foster parents in their own home, under some kind of short-term or long-term foster care arrangement with the custodial agency. The custodial agency, such as the Department of Children and Family Services (DCFS) or the Department of Public and Social Services (DPSS), must have previously approved the addition.
  - Addition of marriage/or marital type relation (i.e., couples that certify that they intend to live in the same principal residence indefinitely and/ or register in California as domestic partners);
  - Addition of a minor who is a child of the head of household, co-head, spouse or marital-type partner, who have been living elsewhere; and
  - Addition of a LACDA-approved live-in aide;
  - Addition of an adult child due to recent discharge from the military.
  - Addition of a disabled adult who requires disability-related care.

The family must request approval from the owner and the LACDA before the person is added. Anyone who moves into the unit without written owner and LACDA approval is considered an unauthorized person.

As part of the approval process, the LACDA conducts a criminal background check, and may also conduct a credit review, on all new potential family members, 18 years of age and older. Criminal records will only be used to screen new household members. They will not be used for lease enforcement or eviction of residents already receiving tenant-based rental assistance.

If an approved change requires a larger size unit due to overcrowding, the change in voucher size will be made effective immediately (see Chapter 5). The LACDA will determine the assistance, based on funding availability.

**12.5.2 Decreases in Family Size**

When a family member leaves the household, the absence must be reported to the LACDA, in writing, within 10 calendar days of the occurrence, as detailed in Section 6.8.9 (Reporting Absences to the LACDA). The change in family

composition may impact the voucher size, as explained in Chapter 5 (Subsidy Standards).

If a decrease in family size results in a decrease of the voucher size, the LACDA will downsize the family's voucher to the appropriate size at the family's next annual review following the reduction in household size.

The LACDA may make an exception as a reasonable accommodation for a person with a disability.

## **12.6 CONTINUATION OF ASSISTANCE FOR "MIXED" FAMILIES** **[24 CFR §5.504(b)]**

Families that include at least one citizen or eligible immigrant, and any number of ineligible members, are considered "mixed" families.

"Mixed" families that were participants on or before June 19, 1995, shall continue full assistance if they meet the following criteria:

1. The head of household, co-head, or spouse is a U.S. citizen or has eligible immigrant status, **and**
2. All members of the family other than head, co-head, spouse, parents of head, parents of co-head, parents of spouse, children of head, co-head, or spouse are citizens or eligible immigrants. The family may change the head of household designation to another adult member of the family to qualify under this provision.

If they do not qualify for continued assistance, the member(s) that cause the family to be ineligible for continued assistance may move, or the family may choose prorated assistance.

## **Chapter 13:**

### **ALLOWABLE MOVES/PORTABILITY**

#### **13.1 INTRODUCTION**

This chapter defines the procedures, restrictions and limitations for moving, for new applicants and current participants.

As stated in HUD regulations, eligible families participating in the Housing Choice Voucher Program have the right to receive tenant-based voucher assistance anywhere in the United States, in the jurisdiction of a public housing agency (PHA) administering a Housing Choice Voucher program. This program feature is called “portability.” This chapter includes the LACDA’s procedures for new applicants and current participants that “port out” of the LACDA’s jurisdiction.

Additionally, this chapter specifies the LACDA’s policies for receiving “incoming ports” from other public housing agencies.

#### **13.2 ALLOWABLE MOVES AND RESTRICTIONS**

##### **13.2.1 Restrictions on Moves**

The LACDA may deny families permission to move if:

- There is insufficient funding for continued assistance;
- The family has violated a family obligation;
- The family is in the initial term of the lease (see 13.2.4 for exceptions);
- The family has already moved within the one-year period;
- The family owes money to this LACDA or another PHA. See Section 17.2 (Repayment Agreements for Families) for more information on allowable moves for families with repayment agreements; or
- There is insufficient funding to support a move with continued assistance.

In the event of insufficient funding, the LACDA may only deny a move to a higher cost area if the LACDA would not be unable to avoid termination of housing choice voucher assistance for current participants during the calendar year in order to remain within budgetary allocation (including any available HAP reserve). If the receiving PHA is willing to absorb the voucher, the LACDA may not deny the move to the higher cost area due to insufficient funding.

##### **13.2.2 Allowable Moves for New Applicants** **[24 CFR §982.353]**

A family who lives and/or works in the LACDA’s jurisdiction at the time they are admitted to the Housing Choice Voucher Program may choose, as their initial housing:

- To remain in their current unit (this is referred to as leasing-in-place);

- A unit anywhere within this LACDA's jurisdiction; or
- A unit outside of this LACDA's jurisdiction. For more information, see the Outgoing Portability section of this chapter.

If neither the head of household or spouse already had a "domicile" (legal residence) in the LACDA's jurisdiction at the time when the family first submitted an application for participation in the program, the family does not have any right to portability until they have leased up with rental assistance and have resided within the jurisdiction for at least 12 months [24 CFR §982.353(c)].

- Mainstream voucher applicants are not subject to the requirement above and are permitted to lease a unit outside of the LACDA's jurisdiction.
- Emergency Housing Voucher (EHV) applicants serviced under the EHV Super One-Time Limited Preference are not subject to the requirement above and are permitted to lease a unit outside of the LACDA's jurisdiction.
- Under limited conditions, the LACDA may waive this requirement. Examples of situations that may warrant an exception to this rule include life-threatening situations or as a reasonable accommodation. However, in all cases both the LACDA and the receiving jurisdiction must agree to allow the move. If the receiving public housing agency does not agree, the LACDA will not approve a transfer [24 CFR §982.353(c)(3)].

### **13.2.3 Allowable Moves for Current Participants**

#### **[24 CFR §982.354]**

A family that initially receives assistance for a unit leased in LACDA's jurisdiction may request to move to another unit and receive continued assistance. Families in good standing may move with continued assistance if:

1. The assisted lease for the old unit has ended because the LACDA has terminated the HAP contract for owner breach [24 CFR §982.314(b)(1)(i)];
2. The lease was terminated by mutual agreement of the owner and the family [24 CFR §982.314(b)(1)(ii)]. The LACDA must receive a copy of this notice. The LACDA will not approve the mutual lease termination during the first year of the lease;
3. The owner has given the family a notice to vacate for reasons other than a lease violation [24 CFR §982.314(b)(2)]. The LACDA must receive a copy of this notice; or
4. The family has given proper written notice of lease termination after the initial lease term and in accordance with State law. This generally requires a 30-day notice. The LACDA must receive a copy of this notice.

A family is considered to be in good standing if they have not violated the terms of the lease, any program regulations and do not owe any money to this LACDA or another public housing agency.

Families that are eligible to move with continued assistance may choose to move to a unit that is:

- **Within the LACDA's jurisdiction.** This type of a move is called a "reserve vacate." This means that the family is moving from a unit, which could result in a temporary vacancy in the program until another unit is secured; however, the slot remains reserved for the family until the time they lease another unit.
- **Outside LACDA's jurisdiction.** See the Outgoing Portability section of this chapter for more information.

#### **13.2.4 Restrictions on Moves During the Initial Lease** **[24 CFR §982.354(c) and §982.309(a)(1)]**

Generally, families will not be permitted to move during the initial lease, or more than once in any 12-month period.

The LACDA will consider exceptions to this policy for the following reasons:

1. To protect the health or safety of the family (HQS emergency items).
2. Statutory conditions under the Violence Against Women Reauthorization Act of 2013 (e.g., the family or an affiliated individual is or has been the victim of domestic violence, dating violence, sexual assault, or stalking as provided in 24 CFR part 5, subpart L, and the move is needed to protect the health and safety of the family or affiliated individual. The LACDA may not terminate assistance if the family, with or without prior notification to the LACDA, already moved out of the unit in violation of the lease, if such move occurred to protect the health and safety of an affiliated individual who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the dwelling unit.); or
3. To address an emergency situation over which a family has no control (e.g., Natural Disaster or Unsafe Environment).

Verification must include a copy of the incident report from the local Fire Department, the Health Department, or other appropriate agency that the dwelling unit is now uninhabitable. It must also include the cause of the disaster if known.

In addition, the LACDA will allow exceptions to this policy for the reasonable accommodation request of a family member who is a person with disabilities. However, the owner of the property must agree to release the tenant from the lease.

### **13.3 PROCEDURES FOR MOVES FOR CURRENT PARTICIPANTS** **[24 CFR §982.354(d)]**

Eligible families who wish to move must send a written lease termination notice to the owner and copy to the LACDA no less than 30 calendar days before the vacate date. Once the LACDA has received a copy of the lease termination notice, the family will be scheduled for a briefing session where they will be

issued the voucher along with the briefing packet (see Section 8.4 for information that is provided at the briefing session).

Eligible families also have the option to request a voucher before issuing a lease termination to their owner and the LACDA. However, a Request for Tenancy Approval or a Request to Transfer (portability) will not be processed without the proper written lease termination notice.

If the family's reexamination is current (within 12 months) the LACDA will not conduct a reexamination before issuing the voucher unless there are reported changes to income or the family composition that would require an interim reexamination.

### **13.4 OUTGOING PORTABILITY PROCEDURES** **[24 CFR §982.355(b)(c)]**

Both new applicants and current participant families must first identify the new area where they will be moving. If there is more than one Public Housing Agency (PHA) serving that area, the LACDA will provide the family with the contact information for the PHAs that serve that area for the family to select the PHA. The family must inform the LACDA which PHA it has selected. In cases where the family prefers not to select a PHA, the LACDA will select the PHA on behalf of the family.

Once the LACDA has identified the receiving PHA, the LACDA will:

1. Contact the receiving PHA, prior to approving the family's request to port, to determine whether the voucher will be absorbed or billed by the receiving PHA [24 CFR §982.355(c)(3)];
2. Obtain in writing, via email or other confirmed delivery method, the receiving PHA's decision to absorb or bill the voucher.
  - If the receiving PHA decides absorb the voucher, the receiving PHA cannot reverse its decision at a later date without consent of the LACDA.
  - If the receiving PHA decides to bill the voucher, the LACDA may deny the move if it will result in insufficient funding for continued assistance [24 CFR §982.354(e)(1)].
3. Determine the family's eligibility to move with continued assistance (port). Families found eligible to port must be issued a voucher (if not yet issued) and must be advised of how to contact and request assistance from the receiving PHA [24 CFR §982.355(c)(6)]; and
4. Provide the following documents and information to the receiving PHA [24 CFR §982.355(c)(7)]:
  - A copy of the family's voucher, with issue and expiration dates, formally acknowledging the family's ability to move under portability.
  - The most recent HUD 50058 form and verifications.
  - The Family Portability form (HUD-52665).

Portability Administrative Fee: If administrative fees are prorated, the proration will apply to the amount of the administrative fee for which the receiving PHA may bill. The receiving PHA may bill for the lower of 80 percent of the initial PHA's prorated ongoing administrative fee or 100 percent of the receiving PHA's prorated ongoing administrative fee.

New applicant families will be subject to the income eligibility requirements of the jurisdiction in which they will be receiving assistance [24 CFR §982.353(c)(9)].

#### **13.4.1 Briefing for Families Wishing to Exercise Portability** **[24 CFR §982.301(b)(4)]**

Since families wishing to move to another jurisdiction must understand that the policies and procedures of the receiving PHA prevail, the LACDA will provide counseling for those families who express an interest in portability. This will include a discussion of how portability works, the advantages of areas that do not have a high concentration of low-income families, the difference in payment standards, subsidy standards, and income limits, if applicable. See Chapter 8, Section 8.4 for a detailed list of the information provided at the briefing session.

#### **13.4.2 Payment to the Receiving PHA** **[24 CFR §982.355(d) and §982.355(e)]**

If the receiving PHA chooses to administer and bill assistance on the LACDA's behalf, the LACDA will reimburse the receiving PHA for costs associated with administering the voucher, as specified in HUD regulations.

The receiving PHA must submit to the LACDA the initial billing no later than 60 days following the expiration date of the family voucher issued or within 10 days of an executed contract.

The LACDA will ensure that the receiving PHA receives all subsequent monthly payments no later than the fifth working day of each month.

### **13.5 INCOMING PORTABILITY PROCEDURES** **[24 CFR §982.355]**

Eligible participants in the Housing Choice Voucher Program in other public housing agencies may be assisted in the LACDA's jurisdiction.

For a family to port in to the LACDA's jurisdiction, the LACDA must receive a request to absorb or bill the voucher of the incoming portable family. The LACDA must provide the initial PHA, in writing, via email or other confirmed delivery method, a decision to absorb or bill the voucher. Rendered decisions to absorb a voucher cannot be reversed at a later date without consent of the initial PHA.

Once a decision has been rendered to the initial PHA, the LACDA must receive the following from the initial PHA:

- The Family Portability form (HUD-52665) with Part I completed.
- A copy of the family's most current voucher.
- The most recent HUD 50058 (Family Report) for the family, and all related verifications supporting the Family Report.

Should the family arrive with an expired voucher, the LACDA will contact the initial PHA to determine if it will extend the voucher. The initial PHA will decide to extend the term of the initial PHA voucher before the LACDA can proceed with the portability process.

**13.5.1 Policies on Absorption and Administration**  
**[24 CFR §982.355(d) and §982.355(e)]**

For incoming ports, the LACDA may, if funding permits, accept a family with a valid voucher from another jurisdiction and absorb the voucher. The LACDA may also exercise the option to administer the initial public housing agency's voucher and bill the initial PHA as authorized in the regulations.

Portability Administrative Fee: If administrative fees are prorated, the proration will apply to the amount of the administrative fee for which the receiving PHA may bill. The receiving PHA may bill for the lower of 80 percent of the initial PHA's prorated ongoing administrative fee or 100 percent of the receiving PHA's prorated ongoing administrative fee.

If the LACDA chooses to administer:

- An initial billing will be submitted to the initial PHA within 10 days of an executed contract to ensure timely receipt of payment, but no later than 90 days following the expiration date of the family voucher issued by the initial PHA.
- The LACDA's policy on tolling in Section 8.7.2 of this Plan will apply [24 CFR §982.303].
- The LACDA will not extend the term of the voucher unless there is enough time to process the new contract and meet the billing deadline or unless the initial PHA extends the family's voucher. The LACDA will notify the initial PHA if such an extension is granted [24 CFR §982.355(c)(14)].

All subsequent monthly billing payments are to be received by the LACDA no later than the fifth working day of each month.

If the LACDA chooses to absorb, the LACDA may apply its policies on voucher tolling and extensions as stated in Sections 8.7.2 and 8.7.3 of this Plan.

**13.5.2 Income and Total Tenant Payment Review**  
**[24 CFR §982.355(c)]**

The LACDA will conduct an initial review of all incoming port families. The LACDA will:

- Conduct criminal background and registered sex offender registration checks of family members (see Section 13.5.3 below).
- Verify identifying documents, family income and composition.
- As necessary, the LACDA will change the bedroom size of a family's voucher to comply with the subsidy standards. If this occurs, the family will be notified in writing of the change.

- If family income documents are missing or there has been a change in the family's circumstances, the LACDA may re-determine the family's TTP.
- For incoming port families who have not yet leased a unit under the Housing Choice Voucher Program (initial applicants), the LACDA must verify that the family meets the HUD's income limits.

If a re-determination is necessary, the LACDA will not delay issuing the family a voucher or otherwise delay approval of a unit unless the re-determination reveals that the family is not eligible for assistance in the LACDA's jurisdiction. In such cases, the family will be referred to the initial PHA for further assistance [24 CFR §982.355(c)(11)].

All families porting into the LACDA's jurisdiction will be issued a voucher. The term of the voucher issued may not expire before 30 calendar days from the expiration date noted on the voucher issued by the initial public housing agency [24 CFR §982.355(c)(13)]. The LACDA will determine whether to extend the voucher term, if necessary, based on Section 13.5.1 of this Plan.

If a family that has ported into the LACDA's jurisdiction is unable to locate a unit within the allotted time authorized on the voucher, the LACDA will notify the issuing PHA that the voucher did not result in a HAP contract [24 CFR §982.355(c)(16)].

Approval of any unit is subject to rent reasonableness and a passed inspection [24 CFR §982.401(a)(3)].

### **13.5.3 Criminal Background Checks for Incoming Portability** **[24 CFR §982.355(c)(9) – (10)] and [PIH Notice 2004-12]**

The LACDA will conduct criminal background and sex offender registration checks for all incoming portability families. To establish eligibility under section 2.8.1 of this Plan, the LACDA will review criminal history within the established review period from the date a Request to Transfer is received from the originating PHA.

While criminal background and sex offender registration checks are conducted, the LACDA will not delay issuing the family a voucher but will take subsequent necessary action, including up to termination of a family's assistance (see Section 2.8 for details on screening).

The LACDA will take the following steps to minimize the number of terminations for families that are porting into its jurisdiction:

At voucher issuance,

- Families will receive a briefing that will contain information on the LACDA's portability process and general policies and procedures. See Chapter 8, Section 8.4 for a detailed list of information provided at the briefing session.
- Families will be informed of the LACDA's criminal background policies and that they will undergo a background check. The family will be offered an opportunity to return to their originating PHA.

- If it is determined before a contract is effective that a family member is unsuitable due to a criminal background check the family will be given the options of returning to the originating PHA or excluding the culpable family member.
- If it is determined after a contract is effective that a family member is unsuitable and the LACDA is billing the originating PHA, the family will have the option of returning to the originating PHA or exclude the culpable household member.
- If it is determined after the contract is effective that a family member is unsuitable and the LACDA has absorbed the contract, the family will only have the option of excluding the culpable household member and will not be allowed to return to the originating PHA.

The contract will be terminated if it has been absorbed and if the family chooses not to exclude the culpable household member or there are no other adult eligible household members.

#### **13.5.4 Terminations**

In cases where the LACDA is administering a contract on behalf of another PHA, the LACDA will notify the initial PHA in writing of any termination of assistance within 30 calendar days of the termination.

#### **13.5.5 Informal Hearings/Reviews** **[24 CFR §982.555]**

If an informal hearing is required and requested by the family, the LACDA will conduct the hearing only if the participant has been assisted within the LACDA's jurisdiction. Such hearings will be conducted using the regular hearing procedures included in this plan. Families who have not yet received assistance in the LACDA's jurisdiction are eligible for informal reviews, as detailed elsewhere in this administrative plan.

The initial PHA will be responsible for collecting amounts owed to that public housing agency by the family for claims paid and for monitoring repayment. If the initial PHA notifies the LACDA that the family is in arrears or the family has refused to sign a Repayment Agreement, the LACDA will terminate assistance to the family.

## **Chapter 14:**

### **CONTRACT TERMINATIONS**

#### **14.1 INTRODUCTION**

The chapter identifies the key documents/contracts that set forth the responsibilities of each party involved in the rental assistance relationship and outlines the policies and procedures under which these contracts can be terminated.

#### **14.2 DESCRIPTION OF DOCUMENTS**

There are three parties involved in the rental relationship: the assisted family, the owner and the LACDA.

The rights and responsibilities of the assisted family are defined in the voucher or certificate and the Certified Statement of Family Obligations. A copy of the voucher or certificate is provided to the family at admission and each time a new voucher is issued. The family signs the Certified Statement of Family Obligations annually.

The relationship between the family and the owner is outlined in the lease agreement. Generally, the term of the lease is for one year. Although the LACDA is not a part of the lease, HUD regulations allow public housing agencies to act against the family for serious or repeated violations of the lease.

The terms of the relationship between the owner and the LACDA are outlined in the Housing Assistance Payments (HAP) contract. The term of the HAP contract is the same as the term of the lease.

#### **14.3 TERMINATION OF THE LEASE BY THE FAMILY: MOVES** **[24 CFR §982.309(c)]**

For continued tenant assistance, the family cannot terminate the lease until after a one-year period or the initial term of the lease, except for material breach of the lease by the owner, cases of foreclosure, or life threatening situations (as defined in Chapter 13). The lease determines the notice period for termination to the owner. Most leases require, at minimum, a 30-day notification. However, the LACDA recommends that families provide a minimum of a 60-day notice in order to allow enough time for a smooth transition of assistance from the old unit to the new unit. To initiate the lease termination, the family must send a written notice to the owner and the LACDA no less than 30 calendar days before the vacate date.

#### **14.4 TERMINATION OF THE LEASE BY THE OWNER: DOMESTIC ABUSE**

An owner or manager may bifurcate (separate) a lease in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, or terminating assistance, or otherwise

penalizing the victim of such violence which is also a tenant or lawful occupant. Criminal acts are defined as “criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual”.

#### **14.4.1 Terminating the Lease During the Initial Term of the Lease** **[24 CFR §982.310(a)]**

During the term of the lease, the owner may not terminate the tenancy except for good cause, which includes serious or repeated violations of the lease and/or violations of federal, state or local law that imposes obligations on the family in connection with the use of the unit.

Under such conditions, the owner must provide both the family and the LACDA with a copy of any notice to move or eviction action. An eviction action is defined as a notice to vacate, or a complaint, or other initial pleading used under State or local law to commence an eviction action. Any eviction notice served to a family must specify the grounds for the termination of the tenancy.

An owner may commence termination of a tenancy for good cause by serving a legal notice of termination on the family for the following reasons:

1. Serious or repeated violation of the terms and conditions of the lease [24 CFR §982.310(a)(1)];
2. Violation of federal, state or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises [24 CFR §982.310(a)(2)]; and
3. Other good cause, [24 CFR §982.310(a)(3)] including:
  - Criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control that threatens the health, safety or right to peaceful enjoyment of the premises by the other residents, or persons residing in the immediate vicinity of the premises [24 CFR §982.310(d)];
  - Any drug-related criminal activity on or near the premises; or
  - Tenant disturbance of neighbors, destruction of property, or behavior resulting in damage to the premises.

#### **14.4.2 Terminating the Lease After the Initial Term of the Lease**

After the initial term of the lease, the owner may terminate the lease for other good cause. Examples of other good cause include:

- Business or economic reason for regaining possession of the unit;
- Owner's desire to repossess the unit for personal or family use or for a purpose other than residential property;

When terminating the lease for business or economic reasons, the owner is required to provide a 90-day notice to both the family and the LACDA.

**14.4.3 Requests for Criminal Records by Project-Based Section 8 Owners**  
**[24 CFR §5.903(d)(3)]**

Project-based Section 8 owners (excludes housing choice voucher owners), that have contracts with the LACDA, may request that the LACDA obtain criminal records, on their behalf, for the purpose of eviction or lease enforcement. The LACDA will, however, charge a fee in order to cover costs associated with the review of criminal records.

Project-based owners must submit the following items in order for the LACDA to process criminal records. Owner requests must include:

1. A copy of a signed consent form from each adult household members, age 18 years and older. Included in the consent form must be a legible name, the date of birth, a California Identification Number, and a Social Security number. This information will be used for the sole purpose of distinguishing persons with similar names or birth dates.
2. An owner's criteria or standards for evicting drug criminals in accordance with HUD regulations (§ 5.857 of 24 CFR Parts 5 et al.); or criteria for evicting other criminals (§ 5.858 of 24 CFR Parts 5 et al.); or criteria for lease enforcement.

Once the LACDA obtains the criminal records, a determination will be made as to whether a criminal act, as shown by a criminal record, can be used as a basis for eviction or lease enforcement. The LACDA will base its determination in accordance with HUD regulations and the owner criteria.

It is important to note that the LACDA will not disclose the participant's criminal conviction record, nor the content of that record to the owner unless the owner is proceeding with a judicial eviction process. In the case of a judicial eviction, the owner must provide the LACDA with a certification that the criminal records are necessary to proceed with the eviction.

**14.5 MUTUAL TERMINATION OF THE LEASE**

In cases where the owner and the family agree to terminate the lease, both parties have an obligation to notify the LACDA in writing at least 30 calendar days in advance of the vacate date in order that LACDA may avoid overpayment to the owner. A mutual termination of the lease will not be accepted if it is within a one-year period of the participant's last move or within the initial term of the lease.

**14.6 TERMINATION OF THE HAP CONTRACT BY THE LACDA**  
**[24 CFR §982.453 – §982.454]**

The LACDA will terminate the HAP contract as follows:

1. When the LACDA terminates program assistance for the family.
2. When the owner has breached the HAP contract.

Any of the following actions will be considered a breach of the HAP contract by the owner:

- The owner has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligation to maintain the unit according to housing quality standards, including any standards the LACDA has adopted in this policy [24 CFR §982.453(a)(1)].
  - The owner has violated any obligation under any other HAP contract under Section 8 of the 1937 Act (42 U.S.C. 1437f) [24 CFR §982.453(a)(2)].
  - The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program [24 CFR §982.453(a)(3)].
  - The owner has failed to comply with regulations, the mortgage or note, or the regulatory agreement for projects with mortgages insured by HUD or loans made by HUD [24 CFR §982.453(a)(4)].
  - The owner has engaged in drug-related criminal activity [24 CFR §982.453(a)(5)].
  - The owner has committed any violent criminal activity [24 CFR §982.453(a)(6)].
3. If the family is required to move from a unit which is overcrowded based on the LACDA's current subsidy standards [24 CFR §982.403(a)].
4. If funding is no longer available under the ACC [24 CFR §982.454].
- Before terminating HAP contracts on the basis of insufficient funding, the LACDA is required to ensure that the determination of insufficient funding is documented. The LACDA will consider funding insufficient if it is determined that the projected year-end subsidy falls short of the authorized budget amount.
  - The LACDA will determine the number of families that must be terminated, and will present the Board of Commissioners with a recommended method for terminating HAP contracts. Following Board of Commissioner and HUD notification, the LACDA will terminate HAP contracts.
  - Contracts of elderly and disabled families will not be subject to termination.
  - Terminated families will be placed on the waiting list and will receive a preference for assistance from the waiting list.

The LACDA may terminate the HAP contract if the owner has violated any obligation under any other HAP contract under Section 8 of the 1937 Act (42 U.S.C. 1437f) [24 CFR §982.453(a)(2)]. The LACDA will consider the following list of factors in determining whether to terminate the HAP contract for a violation of another HAP contract:

- The nature of the breach
- The location of the other units under contract compared to the subject unit
- The impacts on participants in other the units

Additionally, an owner who breaches a HAP contract may be disapproved to participate in LACDA programs, as detailed in Section 9.11 (Owner Disapproval). The LACDA's rights and remedies against the owner under the HAP contract include recovery of overpayments, abatement or other reduction of housing assistance payments, termination of housing assistance payments, and termination of the HAP contracts.

Request for reasonable accommodations relating to termination of HAP contracts will be reviewed on a case-by-case basis.

#### **14.7 HAP PAYMENTS AND CONTRACT TERMINATIONS** **[24 CFR §982.311]**

When a HAP contract terminates, the LACDA will make payments in accordance with the HAP contract and depending on the reason for the contract termination.

In cases involving a tenant notice to move or a mutual termination, not involving an eviction action, the LACDA will pay the owner for the entire last month that the family was in the unit regardless of the actual day of the month that the family moved out. The LACDA may also pay HAP on behalf of the family for the new unit in the same month.

In cases involving evictions, the LACDA will continue to pay the HAP until the day the family moves out or is evicted [24 CFR §982.311(b)].

In cases involving termination of assistance due to insufficient funding, families will receive a minimum of 30 days notice of termination of assistance.

In cases involving termination of assistance for reasons other than insufficient funding, the LACDA will notify the owner and the family of the proposed termination date. If the family does not request a hearing or the hearing is decided in the LACDA's favor, the HAP payments will terminate in accordance with the notification. If a family continues to occupy the unit after assistance is terminated, the family is responsible for the total amount of rent due to the owner.

If HAP payments are released to the owner for periods of time beyond the dates set forth above, the owner will be required to return all monies to the LACDA within 30 calendar days or within the time specified in any approved repayment agreement. The LACDA also reserves the right to deduct any monies from other HAP payments being made to the owner by the LACDA. If the owner fails to repay the HAP, the account will be forwarded for further action.



## **Chapter 15:**

### **TERMINATION OF ASSISTANCE**

#### **15.1 INTRODUCTION** **[24 CFR §982.552(a)]**

HUD requires the LACDA to terminate assistance for certain offenses. HUD permits the LACDA to terminate assistance for a family because of the family's action or failure to act. The LACDA will provide families with a written description of the family obligations under the program, the grounds under which the LACDA can terminate assistance, and the LACDA's informal hearing procedures. This chapter describes when the LACDA is required to terminate assistance, and the LACDA's policies for the termination of assistance.

#### **15.2 FORMS OF TERMINATION** **[24 CFR §982.552(a)(3)]**

Termination of assistance for a participant may include any or all of the following:

1. Refusal to enter into a HAP contract or approve a lease
2. Termination of HAP under an outstanding HAP contract
3. Refusal to process or provide assistance under portability procedures

The LACDA will not terminate assistance of a participant based solely upon incidences of domestic violence, dating violence, sexual assault, or stalking. If termination is based upon behavior resulting from disability, the LACDA will delay the termination in order to determine if there is a reasonable accommodation, pursuant to law, that would cure the grounds for the termination.

#### **15.3 FAMILY NO LONGER REQUIRES ASSISTANCE (ZERO ASSISTANCE)** **[24 CFR §982.455]**

The LACDA is required to automatically terminate the HAP contract 180 calendar days after the last housing assistance payment is made to the owner. A family receiving no assistance may remain in the unit for up to 180 calendar days after the last HAP payment. If the family is still in the unit after 180 calendar days, assistance is terminated. If within the 180-day period, an owner rent increase or a decrease in the TTP causes the family to be eligible for a housing assistance payment, the LACDA will resume assistance payments for the family.

In order for a family to move to another unit during the 180 calendar days, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

#### **15.4 MANDATORY TERMINATION OF ASSISTANCE**

HUD requires the LACDA to terminate assistance under the following circumstances:

1. Failure to Provide Consent [24 CFR §982.552(b)(3)].

If any member of the family fails to sign and submit to HUD or LACDA required consent forms for obtaining information

2. Failure to Document Citizenship [24 CFR §982.552(b)(4) and 24 CFR §5.514(c)]

The LACDA must terminate assistance if

- A family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status;
- A family submits evidence of citizenship and eligible immigration status in a timely manner, but the United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family;
- No member of the family is an U.S. citizen or eligible immigrant.

3. Failure to Disclose and Document Social Security Numbers [24 CFR §5.218(c)].

The LACDA is required to terminate assistance for participant families in which no members are U.S. citizens or eligible immigrants. If a family member does not establish citizenship or eligible immigration status as required, the LACDA will prorate the assistance, or if there are no eligible family members remaining, the LACDA will propose program termination and provide the opportunity for an informal hearing, as explained in Chapter 16.

Families are required to submit evidence and sign declarations of their citizenship or eligible immigration status. If the LACDA obtains substantive documentation (such as a permanent resident card or information from another agency) that contradicts a family member's declaration of citizenship, an investigation will be conducted and the individual given an opportunity to present relevant information.

- If the family (or any member) claimed eligible immigrant status and the USCIS primary and secondary verifications failed to document the status, the family may make an appeal to the USCIS and request a hearing with the LACDA either after the USCIS appeal or in lieu of the USCIS appeal.
- If the family member is unable to verify their citizenship, the LACDA may give the individual an opportunity to provide a new declaration as an eligible immigrant or to elect not to contend their status. The LACDA will then verify eligible status, and terminate, or prorate as applicable.
- Assistance may not be terminated while verification of the participant family's eligible immigration status is pending.

After the LACDA has made a determination of ineligibility, the family will be notified of the determination and the reasons, and informed of the option for prorated assistance (if applicable) or the proposed termination.

The LACDA will terminate assistance for misrepresentations or submission of false information.

4. Methamphetamine Manufacture or Production [24 CFR §982.553(b)(1)(ii)]

The LACDA must terminate assistance if any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally-assisted housing.

5. Death of the Sole Family Member [24 CFR §982.311(d) and Notice PIH 2010-9]

The LACDA must immediately terminate program assistance for deceased single member households.

6. Failure of Students to Meet Ongoing Eligibility Requirements [24 CFR §982.552(b)(5) and FR 4/10/2006].

If any family member fails to meet the eligibility requirements concerning individuals enrolled at an institution of higher education as specified in Section 2.5

## **15.5 MANDATORY POLICIES AND OTHER AUTHORIZED TERMINATIONS**

### **[24 CFR §982.553(b) and §982.551(l)]**

HUD requires the LACDA to establish policies that permit the LACDA to terminate assistance if the LACDA determines that:

- Any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- Any household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
- Any household member has violated the family's obligation not to engage in any drug-related criminal activity.
- Any household member has violated the family's obligation not to engage in violent criminal activity.

#### **15.5.1 Use of Illegal Drugs and Alcohol Abuse**

In accordance with HUD requirements, the LACDA will terminate a family's assistance if any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

The LACDA will terminate assistance if any household member's abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

### **15.5.2 Drug-Related Criminal Activity**

Drug-related criminal activity includes the manufacture, dispensation, distribution, sale, use or possession of illegal drugs. An “illegal drug” is defined as any controlled substance, in any amount, as defined by the United States Code, Title 21, section 802, including but not limited to narcotics, amphetamines, hallucinogens, cocaine, marijuana, medical marijuana, designer drugs, or other intoxicants. This definition also specifically includes over the counter medications used in the manufacture of illegal drugs or for the purposes of becoming intoxicated, and pharmaceutical medications which are used either without being prescribed by a licensed physician or in excess of the amount prescribed by a physician for the purposes of becoming intoxicated.

Drug-related criminal activity does not include the prior use or possession of a controlled substance if the family member had an addiction to the substance and has recovered, or is recovering from the addiction and does not currently use or possess the substance and has demonstrated successful completion of a rehabilitation program [24 CFR §982.553(b)].

In accordance with HUD requirements, the LACDA’s policy regarding drug-related criminal activity is as follows:

- The LACDA may propose termination against the family for drug-related criminal activity that occurs on or off the premises of the assisted unit, or drug-related criminal activity committed by a guest or invitee of any family member on the premises of the assisted unit. An arrest or conviction is not required to deny or terminate assistance.
- The LACDA may terminate a participant’s assistance if they have been arrested, convicted or whose tenancy is being terminated due to drug-related criminal activity or whose activities, including the activities of their guests or invitees, have created a disturbance in the building or neighborhood.
- Will terminate assistance if the family violates the lease for drug-related criminal activity.

In appropriate cases, the LACDA may permit the family to continue receiving assistance provided that family members determined to have engaged in the prescribed activities will not reside and/or visit in the unit.

### **15.5.3 Violent Criminal Activity**

Violent criminal activity includes any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and the activity is being engaged in by any family member, their guests or invitees. Violent criminal activity also includes activity which occurs within the family, such as during domestic disputes.

In accordance with HUD requirements, the LACDA’s policy regarding violent criminal activity is as follows:

- The LACDA may propose termination against the family for violent criminal activity that occurs on or off the premises of the assisted unit. An arrest or conviction is not required to deny or terminate assistance.

- The LACDA may terminate a participant's assistance if they have been arrested, convicted or whose tenancy is being terminated due to violent criminal activity or whose activities, including those of their guests and invitees, have created a disturbance in the building or neighborhood.
- The LACDA will terminate assistance if the family violates the lease for violent criminal activity.

Incidents or threats of abuse, or criminal activity related to abuse engaged in by a member or guest of the participant's household, will not be grounds for termination of the victim or threatened victim of the abuse.

In appropriate cases, the LACDA may permit the family to continue receiving assistance provided that family members determined to have engaged in the prescribed activities will not reside in the unit.

#### **15.5.4 Other Criminal Activity** **[24CFR§982.553(a)(ii)(A)(3)]**

Other criminal activity includes any criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity of the premises.

### **15.6 OTHER AUTHORIZED REASONS FOR TERMINATION OF ASSISTANCE** **[24 CFR §982.552(c), Pub.L. 109-162]**

HUD permits the LACDA to terminate assistance under other circumstances. The LACDA may at any time terminate program assistance to a participant, for any of the following reasons:

1. The family fails to comply with any family obligation under the program as listed in Section 15.7 of this plan [24 CFR §982.551].
2. Any member of the family has been evicted from federally-assisted housing in the last five years and the family failed to disclose the information at admission to the program [24 CFR §982.552(c)(1)(ii)].
3. The family fails to provide critical eligibility information that may have deemed the family ineligible for assistance during the admissions process.
4. Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program [24 CFR §982.552(c)(1)(iv)].
5. The family currently owes rent or other amounts to the LACDA or to another housing agency in connection with Section 8 or public housing assistance under the 1937 Act [24 CFR §982.552(c)(1)(v)].
6. The family has not reimbursed the LACDA or any housing agency for amounts paid under a HAP contract to an owner for rent, damages to the unit, or other amounts owed by the family under the lease [24 CFR §982.552(c)(1)(vi)].
7. The family has breached the terms of a repayment agreement entered into with the LACDA. [24 CFR §982.552(c)(1)(vii)].

8. The family has engaged in or threatened abusive or violent behavior toward LACDA personnel [24 CFR §982.552(c)(1)(ix)].
  - "Abusive or violent behavior" includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination.
  - "Threatening" refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.
  - Actual physical abuse or violence will always be cause for termination.

The LACDA will not terminate a family's assistance because of the family's failure to meet its obligations under the Family Self-Sufficiency program [24 CFR §982.552(c)(1)(viii)].

#### **15.6.1 Registered Sex Offenders**

If it is brought to the attention of the LACDA that a current program participant is subject to a lifetime sex offender registration requirement in any state, the LACDA will review the matter on a case-by-case basis. If the participant was erroneously admitted (the household member was subject to a lifetime registration requirement at admission and was admitted after June 25, 2001), the LACDA must immediately pursue termination of assistance for the household member.

If the LACDA erroneously admitted a lifetime sex offender, it must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the LACDA **must** terminate assistance for the household.

### **15.7 TERMINATING THE ASSISTANCE OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING VICTIMS AND PERPETRATORS**

#### **[24 CFR §5.2005(d)(2)]**

VAWA gives the LACDA the right to "terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant."

VAWA does not limit the LACDA's right to terminate the assistance of any participant if the LACDA "can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance."

In determining whether a participant who is a victim of domestic violence, dating violence, sexual assault or stalking is an actual and imminent threat to other tenants or those employed at or providing service to a property, the PHA will consider the following, and any other relevant, factors:

- Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, sexual assault, stalking, as well as verbal, psychological, economic, or technological abuse
- Whether the threat is a physical danger beyond a speculative threat
- Whether the threat is likely to happen within a short period of time
- Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location

If the tenant wishes to contest the LACDA's determination that he or she is an actual and imminent threat to other tenants or employees, the tenant may do so as part of the informal hearing process.

#### **15.7.1 Documentation of Abuse**

##### **[24 CFR § 5.2007]**

When a participating family is facing termination of assistance for reasons related to domestic violence, dating violence, sexual assault, stalking, as well as verbal, psychological, economic, or technological abuse claims protections under VAWA, the LACDA will request in writing that the individual submit documentation affirming that claim.

The LACDA will accept either of the following forms of documentation:

- A completed and signed HUD-approved certification form (Form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim.
- A record of a Federal, State, tribal, territorial or local law enforcement agency (such as a police report), court, or administrative agency documenting the domestic violence, dating violence, sexual assault, stalking, as well as verbal, psychological, economic, or technological abuse.
- Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, stalking, as well as verbal, psychological, economic, or technological abuse or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider, an attorney, a medical or mental health professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

The request for documentation of domestic violence, dating violence, sexual assault, stalking, as well as verbal, psychological, economic, or technological abuse will be in writing and will specify a deadline of 14 business days following receipt of the request. It will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline.

The LACDA reserves the right to waive the documentation requirement if it determines that a statement of other corroborating evidence from the individual will suffice.

The LACDA may, at its discretion, extend the deadline. Any extension granted will be in writing.

#### **15.7.2 Conflicting Documentation**

##### **[24 CFR §5.2007(b)(2)]**

In the case where the LACDA receives conflicting certification documents from two or more members of the household each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, the LACDA will determine which is the true victim by requiring third-party documentation within 30 calendar days in order to resolve the conflict.

If the participants fail or refuse to provide third-party documentation where there is conflicting evidence, the HA does not have to provide the tenant(s) with the protections contained in HUD form-5380, Notice of Occupancy Rights under the Violence Against Women Act.

#### **15.7.3 Terminating the Assistance of a Domestic Violence Perpetrator**

##### **[24 CFR § 5.2005(b)(2)]**

VAWA gives the LACDA explicit authority to terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others without terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.

The LACDA will terminate assistance to a family member if the LACDA determines that the family member has committed criminal acts of physical violence against other family members or others. This action may not affect the assistance of the remaining, nonculpable family members.

In making the decision to terminate assistance, the LACDA will consider all credible evidence, including, but not limited to, a signed certification (form HUD-5382) or other documentation of abuse submitted to the LACDA by the victim in accordance with this section. The LACDA will also consider the factors in Section 15.8 Consideration of Circumstances. Upon such consideration, the LACDA may, on a case-by-case basis, choose not to terminate the assistance of the culpable family member.

If the LACDA moves forward with terminating the assistance of the culpable family member, the LACDA will do so in accordance with applicable law, HUD regulations, and policies established in Chapter 16. Informal Reviews/Hearings.

#### **15.7.4 Notification Requirement**

##### **[24 CFR §5.2005(a)(1)(i)(ii) and §5.2005(a)(2)(iii)]**

When moving forward with terminating assistance, the LACDA will include information about VAWA in notices of termination of assistance. The VAWA information provided will consist of the following documents:

- Form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation.
- Form HUD-5380, Notice of Occupancy Rights Under the Violence Against Women Act

#### **15.7.5 VAWA Confidentiality**

##### **[24 CFR §5.2007(a)(1)(v)]**

All VAWA information provided to the LACDA, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, stalking, as well as verbal, psychological, economic, or technological abuse shall be retained in confidence, and will not be entered into any shared database or provided to any related entity, except to the extent that disclosure is:

- Requested or consented to by the individual in writing to release the information on a time limited basis;
- Required for use in an eviction proceeding or hearing regarding termination of assistance from a covered program; or
- Otherwise required by applicable law.

#### **15.8 FAMILY OBLIGATIONS**

##### **[24 CFR §982.551]**

Participating families of the Section 8 tenant-based programs have a list of obligations that outline the family's responsibilities and prohibited actions. When the family's unit has been approved by the LACDA and the HAP contract has been executed, the family is expected to meet the obligations in order to receive continued rental assistance. Failure to abide by any of the family obligations is grounds for termination.

1. The family must supply any information that the LACDA or HUD determines is necessary in the administration of the program [24 CFR §982.551(b)]. Information includes any requested certification, release or other documentation. Requirements include:
  - Submission of required evidence of citizenship or eligible immigration status (as provided by 24 CFR part 5);
  - Disclosure and verification of social security numbers (as provided by 24 CFR part 5);
  - Providing any information requested by the LACDA or HUD for use in a regularly scheduled or interim determination of family income and composition, including income, assets, and accurate family composition.
2. The family must report all changes in earned and unearned income, assets, expenses, full-time student status, and family circumstances within 10 calendar days of the date the change takes effect. The owner of the unit and the LACDA must approve changes in composition of the assisted family [24 CFR §982.551(b) and §982.551(h)(2)]. The family must:

- Report the birth, adoption or court-awarded custody of a child;
- Request LACDA approval to add any other family member;
- Notify the LACDA when a family member no longer lives in the unit.

If the LACDA gives approval, a live-in aide, foster child, or foster adult may live in the unit. Failure to report changes, making false reports and/or allowing unauthorized people in the unit is cause for termination from the program.

3. All information supplied by the family must be true and complete [24 CFR §982.551(b)].
4. Maintain the rental unit [24 CFR §982.551(c)]. The family is responsible for any violation of Housing Quality Standards resulting from:
  - Failure to pay for tenant-paid utilities;
  - Failure to furnish required stove and or refrigerator if to be provided by family; or
  - Damage to the unit or grounds by the family or its guests beyond normal wear and tear.
5. The family must allow the LACDA [and/or owner](#) to inspect the unit at reasonable times and after reasonable notice, [and allow the property owner/manager access to the unit to make repairs](#) [24 CFR §982.551(d)].
6. The family may not commit any serious or repeated violation of the lease [24 CFR §982.551(e)].
7. The family must notify the owner and, at the same time, notify the LACDA before the family moves out of the unit or terminates the lease on notice to the owner. The family must promptly give the LACDA a copy of any owner eviction notice [24 CFR §982.551(f) – (g)].
8. The family must use the assisted unit for residence by the family. The unit must be the family's only residence. The family must not sublease or let the unit [24 CFR §982.551(h)(1), (6)].
9. The family must not assign the lease or transfer the unit. In cases where there is a change in the head of household, the lease may be transferred to the new Head but only with the consent of the owner of the property and the LACDA [24 CFR §982.551(h)(7)].
10. Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit as a residence by members of the family [24 CFR §982.551(h)(5)].
11. The family must supply any information or certification requested by the LACDA to verify that the family is living in the unit, or relating to family absence from the unit, including any LACDA-requested information or certification on the purposes of family absences. The family must cooperate with the LACDA for this purpose. The family must promptly notify the LACDA of absence from the unit [24 CFR §982.551(i)].

12. The family must not own or have any interest in the unit [24 CFR §982.551(j)].
13. The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs [24 CFR §982.551(k)].
14. The members of the family, their guests or invitees, may not engage in drug-related criminal activity or violent criminal activity, or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
15. The members of the family, their guests or invitees, must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
16. An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program [24 CFR §982.551(n)].
17. The family must pay only the amount authorized by the LACDA on the approved lease. Any amount paid by the family other than the authorized amount is considered an illegal side payment and is cause for termination of the housing assistance subsidy. The LACDA may authorize additional payments for other amenities [24 CFR §982.451(b)(4)(ii)].
18. The family must not receive housing choice voucher program housing assistance while residing in a unit owned by a spouse, parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the LACDA has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities (See Section 9.4 for more information).
19. The family must not have a member that has committed a crime that subjects them to a lifetime sex offender registration requirement imposed by any State sex offender registration program reside in the unit. This is to ensure that no household member or guest is creating or maintaining a threat to the health and safety of other residents or the public.

#### **15.8.1 Missed Appointments and Deadlines**

##### **[24 CFR §982.551]**

It is a family obligation to supply information, documentation, and certifications as needed for the LACDA to complete required processes. The LACDA schedules appointments and sets deadlines in order to obtain the required information. Failure to supply requested information can result in termination of assistance. Examples of failing to supply requested information can include: failing to sign necessary documents, failing to return

documents or returning incomplete or altered documents, failing to complete all information requested on documents, etc.

The obligations also require that the family keep all appointments and allow the LACDA to inspect the assisted unit. All scheduled inspections are considered “appointments.”

The family will receive information about the requirement to keep appointments, and the number of times that appointments are rescheduled as specified below. Appointments are scheduled and time requirements imposed for the following events and circumstances:

1. Eligibility for Admissions;
2. Verification Procedures;
3. Voucher Issuance and Briefings;
4. HQS Inspections;
5. Re-examinations; and
6. Appeals (Informal Hearing/Reviews).

Examples of good cause for missing appointments or failing to provide information by deadlines are medical and/or family emergencies. In such cases, the family may be requested to provide verification of such circumstances.

An applicant or participant who fails to keep appointments, or to supply information required by a deadline without notifying the LACDA may be sent a notice of termination of assistance for failure to comply with program regulations.

The family may be granted up to two opportunities before they receive a notice of denial or termination for breach of a family obligation. After issuance of the denial or termination notice, if the family offers to correct the breach within the time allowed to request a review or hearing, the notice may be rescinded after the family corrects the breach, if the family does not have a history of non-compliance. For families with a history of non-compliance, the LACDA may elect to hold the review or hearing.

The LACDA may grant exceptions to this policy as a reasonable accommodation, in accordance with section 1.9.2 and 7.11.10.

### **15.8.2 Enforcing Family Obligations**

#### **Explanations and Terms**

- **HQS Breach**: The inspector will determine if an HQS breach as identified in 24 CFR §982.404(b) is the responsibility of the family. Families may be given extensions to correct HQS breaches as explained in Chapter 10.
- **Lease Violations**: The following criteria will be used to decide if a serious or repeated violation of the lease will cause a termination of assistance [24 CFR §982.310]:

- If the owner terminates tenancy through court action for serious or repeated violation of the lease.
  - If the owner notifies the family of intention to terminate tenancy for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and the LACDA determines that the cause is a serious or repeated violation of the lease based on available evidence.
  - If there are police reports, neighborhood complaints or other third-party information, and the LACDA has verified the information. Lack of receipts or other proof of rent payments by the family may also be considered verification of lease violations.
- **Family Member Moves Out:** Families are required to notify the LACDA within 10 calendar days if any family member leaves the assisted household [24 CFR §982.551(h)(3)]. When the family notifies the LACDA, they must furnish the following information:
- The date the family member moved out.
  - The new address, if known, of the family member.
  - A statement as to whether the family member is temporarily or permanently absent.
  - Related income, asset or deduction changes resulting from the member moving.
- **Limitation on Profit-making Activity in Unit [24 CFR §982.551(h)(5)]:** If the business activity area results in the inability of the family to use any of the critical living areas, such as a bedroom utilized for a business which is not available for sleeping, it will be considered a violation.
- If the LACDA determines that the use of the unit as a business is not incidental to its use as a dwelling unit, it will be considered a violation of family obligations.
- **Interest in Unit [24 CFR §982.551(j)]:** The owner may not reside in the assisted unit, under any circumstances, including as a live-in aide, regardless of whether the owner is a member of the assisted family, unless assistance is being provided for a mobile home and the family owns the mobile home and rents the pad under the Certificate or Housing Choice Voucher Program.
- **Fraud [24 CFR §982.551(k)]:** In each case, the LACDA will consider which family members were involved, the circumstances, and any hardship that might be caused to innocent members.

## **15.9 CONSIDERATION OF CIRCUMSTANCES**

### **[24 CFR §982.552(c)(2)]**

HUD authorizes the LACDA to consider all relevant circumstances when deciding whether to terminate assistance based on a family's past history except in the situations for which termination of assistance is mandatory. In accordance with PIH Notice 2015-19, the LACDA will not use an arrest record or police report as the sole basis for a decision.

When considering the circumstances of the case, the LACDA will consider the following factors prior to making its decision:

- The seriousness of the case, especially with respect to how it would affect the other residents.
- The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or a victim of domestic violence, dating violence, sexual assault, stalking, as well as verbal, psychological, economic, or technological abuse.
- The length of time since the violation occurred and more recent record of compliance, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure to act, and
- Requests for reasonable accommodation

On a case by case basis the LACDA may counsel the family in lieu of termination.

The LACDA may impose, as a condition of continued assistance for other family members, a requirement that family members that participated in or were culpable for the action or failure will not reside in the unit. The LACDA may permit the other members of a family to continue in the program.

#### **15.10 REQUIRED EVIDENCE [24 CFR §982.553(c)]**

The LACDA gathers publicly available arrest data related to its participants, and will take appropriate action related to program violations.

In determining whether to terminate assistance based on criminal activity, the LACDA may terminate assistance if the preponderance of evidence indicates that a family member has engaged in such activity, regardless of whether the family member has been arrested or convicted.

The LACDA may consider arrests, convictions, no contest pleas, fines, city ordinance violations or other credible preponderance of evidence in determining if a violation has occurred.

The LACDA does not use records for juvenile offenses to terminate assistance to the family, except as may be authorized by State or federal law. The LACDA may consider as evidence criminal records of a minor tried and convicted as an adult in criminal court for such offenses as murder, sex offenses, robbery and arson.

Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

**15.11 CONFIDENTIALITY OF CRIMINAL RECORDS**  
**[24 CFR §5.903(g)]**

Criminal records received by the LACDA shall be maintained confidential, not misused, nor improperly disseminated and kept locked during non-business hours. Also, all criminal records will be destroyed no later than 30 calendar days after a final determination is made.

**15.12 DISCLOSURE OF CRIMINAL RECORDS TO FAMILY**  
**[24 CFR §5.903(f) and §982.553(d)]**

The applicant or household member requesting to be added to the lease will be provided with a copy of the criminal record upon request and an opportunity to dispute the record. Applicants will be provided with the opportunity to dispute the record at an informal review. Participants may contest such records at an informal hearing.

**15.13 NOTICE OF TERMINATION OF ASSISTANCE**

In any instance where the LACDA decides to terminate assistance to the family, the LACDA must give the family a written notice that includes:

1. The reason(s) for the proposed termination;
2. The effective date of the proposed termination;
3. A copy of the most recent voucher or certificate issued to the HOH;
4. A copy of the most recent Certified Statement of Family Obligations signed by the HOH;
5. Information regarding the family's right to request an Informal Hearing to be held before termination of assistance;
6. The date by which a request for an informal hearing must be received by the LACDA; and
7. If applicable, notice of any criminal records, including arrests and convictions, being used as part of the decision to terminate assistance.

A Notice of Confirmation, which is a final notice of determination and date of termination, will then be sent to the participant if no hearing is requested within the allowable time or if the Informal Hearing confirms the termination.

The LACDA will simultaneously provide written notice of the contract termination to the owner so that it will coincide with the termination of assistance. The notice to the owner will not include any details regarding the reason for termination of assistance.

**15.14 OPTION NOT TO TERMINATE FOR MISREPRESENTATION OF INCOME**

If the family has misrepresented any facts that caused the LACDA to overpay assistance, the LACDA may choose not to terminate and may offer to continue assistance provided that the family agrees to pay the LACDA the amount owed

and either pays the LACDA in full or executes a Repayment Agreement and makes payments in accordance with the agreement.

**15.15 MISREPRESENTATION IN COLLUSION WITH OWNER**

If the family willingly and knowingly commits fraud or is involved in any other illegal scheme with the owner, the LACDA will deny or terminate assistance.

**15.16 REPORTING TERMINATED FAMILIES TO ENTERPRISE INCOME VERIFICATION (EIV) SYSTEM**

If a family is terminated due to an adverse action or leaves the program owing money to the LACDA, the family will be reported to EIV. Additionally, if any debt is owed, the amount of the debt will be recorded in EIV.

## **Chapter 16:**

### **INFORMAL REVIEWS/HEARINGS**

#### **16.1 INTRODUCTION**

This chapter covers the LACDA's policy and procedures for informal reviews and informal hearings. This chapter defines the LACDA's responsibilities to applicants and participants.

#### **16.2 REASONABLE ACCOMMODATION**

All requests for accommodation will be verified with a reliable, knowledgeable professional so that the LACDA can properly accommodate the need presented by the disability.

Requests for accommodation from persons with disabilities will be granted upon verification that they are reasonable, and they meet the need presented by the disability.

Reasonable accommodation will be made for persons with disabilities that require an advocate or accessible offices. A designee will be allowed to provide information as needed, but only with the permission of the person with the disability.

#### **16.3 INFORMAL REVIEW PROCEDURES FOR APPLICANTS** **[24 CFR §982.554(a)]**

Under certain circumstances, the LACDA offers informal reviews for applicants. Applicants are defined as families who are on the Section 8 waiting list and are awaiting the issuance of a voucher or families who have been issued a voucher but have not yet been assisted under a Housing Assistance Payment (HAP) Contract.

When the LACDA denies assistance to an applicant, the family is notified in writing. The notice contains:

- The reason(s) for the decision;
- The procedure for requesting an informal review if the applicant does not agree with the decision; and
- The time limit for requesting a review.

The LACDA must provide applicants with the opportunity for an Informal Review of Decisions denying issuance of a voucher or participation in the program.

Applicants who are denied assistance based on ineligible immigration status are entitled to an informal hearing (rather than an informal review).

##### **16.3.1 When an Informal Review is Not Required** **[24 CFR §982.554(c)]**

Informal reviews are not required for established policies, procedures, and LACDA determinations such as:

1. Discretionary administrative determinations by the LACDA;
2. General policy issues or class grievances;
3. A determination of the family unit size under the LACDA subsidy standards;
4. Refusal to extend or suspend a certificate or voucher;
5. Disapproval of lease;
6. Determination that the unit is not in compliance with HQS; or
7. Determination that the unit is not in accordance with HQS due to family size or composition.

**16.3.2 Procedure for Review**  
**[24 CFR §982.554(b)]**

Applicants will be required to submit written objections to the LACDA by the close of business day, no later than 15 calendar days from the date of the LACDA's notification of "Notice of Cancellation of Application." The informal review will be conducted within 30 calendar days from the date the request is received.

The informal review will not be conducted by the person who made or approved the decision under review, nor a subordinate of such person. The review may be conducted by:

- A staff person who is not the person who made the decision or his/her subordinate, or
- An individual from outside the LACDA.

A Notice of the Review decision will be provided to the applicant within 30 calendar days after the review. It shall include the decision of the review officer, and an explanation of the reasons for the decision.

All requests for a review, supporting documentation, and a copy of the final decision will be retained in the applicant's file.

Requests for accommodations from persons with disabilities will be granted upon verification that the request is reasonable, and they meet the need presented by the disability on a case-by-case basis.

**16.4 INFORMAL HEARING FOR PARTICIPANTS**  
**[24 CFR §982.555]**

**16.4.1 When an Informal Hearing May Be Requested**  
**[24 CFR §982.555(a)(1)]**

A participant family must be given an opportunity for an informal hearing to consider whether certain LACDA decisions are in accordance with the law, HUD regulations and LACDA policies.

1. A determination of the family's annual or adjusted income, and the use of the income to compute the housing assistance payment.
2. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the LACDA utility allowance schedule.
3. A determination of the family unit size under the LACDA's subsidy standards.
4. A determination that a certificate program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the LACDA's subsidy standards, or a LACDA determination to deny the family request for a waiver from the standards.
5. A determination to terminate assistance for a participant family because of the family's action or failure to act.
6. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under LACDA policy and HUD rules.
7. A determination to terminate assistance for a participant family for breach of the HQS caused by the family.

In the cases described in paragraphs (4), (5), (6) and (7) of this section, the PHA must give the opportunity for an informal hearing before the PHA terminates the housing assistance payment for the family under an outstanding HAP contract.

**16.4.2 Notification**  
**[24 CFR §982.555(c)]**

- When the matter in question is:
1. The determination of the family's annual or adjusted income or computation of the housing assistance payment;
  2. Appropriate utility allowance (if any) for tenant-paid utilities; or
  3. Family unit size,

The LACDA must notify the family that they may ask for an explanation of the basis of the LACDA's determination. The family must also be notified that if the family does not agree with the explanation, the family may request in writing an informal hearing on the decision.

- When the matter in question is:
1. Certificate family residing in too large a unit, or the LACDA's refusal to issue a waiver to subsidy standards;
  2. Termination due to the family's action or failure to act; or
  3. Absence from the assisted unit for longer than the maximum period permitted,

The LACDA must give the family prompt written notice that the family may request in writing an informal hearing on the decision.

- When the LACDA has made a decision to:

1. Terminate HAP on behalf of a participant under an active contract;
2. Refuse to re-issue a voucher; or
3. Refuse to execute a new contract with a program participant,

The family must be given written notice of the opportunity for an informal hearing before the termination of Housing Assistance Payments.

➤ The notice must:

1. Contain a brief statement of reasons for the decision;
2. Inform the participant regarding his/her right to an informal hearing;
3. Advise the participant that a request for an informal hearing must be in writing;
4. Advise the participant that the LACDA must receive the request within 15 calendar days of the date of the letter; and
5. Explain the basic elements of the informal hearing, i.e., right of the participant to present evidence, question witnesses, to have representation, the LACDA-designated impartial hearing officer written decision.

#### **16.4.3 Prior to Hearing** **[24 CFR §982.555(e)(2)]**

Before the informal hearing, the family may request an appointment to examine any documents in the family's portion of the file that are directly relevant to the hearing. The family must be allowed to copy any such document at the family's expense. If the PHA does not make the document in the family's file available for examination on request of the family, the PHA may not use the document at the hearing.

Upon request, the LACDA will waive the one-time fee for the family and provide the family a free copy of each relevant document. Duplicate copies of each document will be produced at the family's expense.

The LACDA may also provide information to participants on relevant documents in the possession of other public agencies in order for the participant to contact the agency and obtain a copy of the document. The LACDA may then reference the contents of the document at the hearing through witness testimony.

The LACDA requires that the family submit any documents that are directly relevant to the hearing either before or at the time of the hearing. The LACDA must be allowed to copy any such documents at the LACDA's expense. If the family does not make the document available for examination on request of the LACDA, the family may not rely on the document at the hearing.

During the course of the hearing, if the family offers to submit evidence, the Hearing Officer is not required to, but may exercise the discretion to allow the family to submit a document within a specified period.

#### **16.4.4 Hearing Process** **[24 CFR §982.555(d)]**

When a participant family has timely requested a hearing, the LACDA will proceed within 15 calendar days of receipt of the request to notify the participant of the date, time and location of the hearing.

- There may be one postponement of the hearing date by the participant. A request to reschedule must be requested before the scheduled date and may not extend beyond the proposed termination date.
- Any additional postponements may only be for good cause such as, but not limited to hospitalization, illness or injury. Second postponement requests must be supported by verification of the cause.

#### **16.4.5 Hearing Officer** **[24 CFR §982.555(e)(4)]**

The Hearing Officer may be either a LACDA employee or an outside third party contracted by the LACDA. The Hearing Officer must not have made or approved the decision under review nor be a subordinate of the person who made the decision. The Hearing Officer controls the informal hearing and may:

- Control the scope and method of direct and cross examination of witnesses;
- Control the admission and determine relevancy of offered evidence;
- Question witnesses and set time limitations for any portion of the informal hearing process.
- May consider evidence without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The Hearing Officer will audio record the hearing and follow the format set forth below.

#### **16.4.6 Opening**

The Hearing Officer will convene the informal hearing with both parties and their representatives present. (If the participant is represented, the participant will have provided the LACDA written authorization for the representative to do so.)

The Hearing Officer will explain the informal hearing procedures, state the purpose of the hearing, and inform the participant that the hearing will be recorded. The Hearing Officer may request clarification or ask questions of either side or witnesses at any time during the Informal Hearing. Each person present will introduce himself or herself.

#### **16.4.7 Presentations**

Each side will have an opportunity to present its case and be allowed to present witnesses and submit relevant evidence as determined by the Informal Hearing Officer. (Witnesses may be cross-examined at this time.) The LACDA begins the hearing by presenting the Notice of Hearing. The LACDA will then present a copy of the original notification to the participant regarding the matter, followed by the evidence, including testimony of witnesses, which supports the allegations in the notification.

#### **16.4.8 Rebuttals**

Each side will have an opportunity to present rebuttal to the evidence presented.

#### **16.4.9 Final Summary**

Each side is then allowed to summarize its arguments.

#### **16.4.10 Conclusion of Hearing**

The Hearing Officer may continue a hearing if additional information from either party is requested. Otherwise, the Hearing Officer will advise each side that the testimony and evidence will be reviewed, a final decision made and a determination letter issued stating the decision and the reasons for the decision within 10 calendar days. The decision of the Hearing Officer is final.

The Hearing Officer will use the following principles for the Informal Hearings and decisions:

1. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.
2. Determinations on the matter being reviewed shall be based on the evidence presented at the hearing.
3. If the issues and differences can properly be resolved at the hearing, the Hearing Officer should attempt to resolve them through mutual consent as long as the resolution is not contrary to applicable law, HUD regulations and/or LACDA's policies.
4. The purpose of the hearing is to determine if the original decision made in the case is in accordance with the law, HUD regulations and LACDA policies.
5. The Hearing Officer may not make a finding contrary to HUD regulations or requirements, contrary to federal, state or local law or exceeding the authority of the Hearing Officer.

### **16.5 WHEN AN INFORMAL HEARING IS NOT REQUIRED** **[24 CFR §982.555(b)]**

The LACDA is not required to provide a participant family an opportunity for an informal hearing for the following:

1. To review discretionary administrative determinations by the LACDA
2. General policy issues or class grievances;
3. A LACDA determination that an assisted unit is not in compliance with HQS. (However, the LACDA must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family as described in §982.551(c) and Section 10.8 of this plan);

4. To review decision by the LACDA to exercise or not exercise any remedy against the owner under an outstanding Contract, including the termination of HAP to the owner;
5. To review the LACDA's decision not to approve a family's request for an extension or suspension of the term of the voucher;
6. Determination that the unit is not accordance with HQS due to family size;
7. Establishment of the LACDA's schedule of utility allowances for families in the program; or
8. A LACDA determination not to approve a unit or lease.



## **Chapter 17:**

### **OWNER OR FAMILY DEBTS TO THE LACDA**

#### **17.1 INTRODUCTION** **[24 CFR §982.163 and §792]**

This chapter describes the LACDA's policies and guidelines for the recovery of debts and the use of repayment agreements. Before a debt is assessed against a family or owner, the file must contain documentation to support the LACDA's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the owner or the family, as appropriate.

When families or owners owe money to the LACDA, every effort will be made to collect the debt. A variety of collection tools to recover debts may be used including, but not limited to:

- Requests for lump sum payments
- Repayment agreements
- Abatements
- Deductions
- Collection agencies
- Credit bureaus
- Civil suits

#### **17.2 REPAYMENT AGREEMENTS FOR FAMILIES** **[24 CFR §792.103]**

A Repayment Agreement as used in this plan is a document entered into between the LACDA and the person who owes a debt to the LACDA. The Repayment Agreement contains:

- Reference to the paragraphs in the family obligations whereby the person is in non-compliance and may be subject to termination of assistance; and
- A statement that the monthly retroactive rent repayment amount is in addition to the family's regular rent contribution and is payable to the LACDA; and
- The terms of the agreement may be renegotiated if there is a decrease or increase in the family's income; and
- Late and missed payments constitute default of the repayment agreement and may result in termination of assistance; and
- An acknowledgment by the person of the debt in a specific amount; and
- The terms of repayment; and
- Any special provisions of the agreement.

### **17.2.1 Late Payments**

A payment will be considered to be in arrears if the payment has not been received by the close of the business day on which the payment was due.

- If the due date is on a weekend or holiday, the due date will be at the close of the next business day.

If the family's repayment agreement is in arrears, the LACDA may do one or more of the following:

- Require the family to pay the entire arrearage plus current month's payment in order avoid loss of assistance;
- Require the family to pay the balance in full in order to avoid losing assistance;
- Pursue civil collection of the balance due; or
- Terminate the housing assistance.

### **17.2.2 Requests To Move**

If the family requests to move to another unit and has a repayment agreement in place, the family will be required to pay the balance in full prior to the issuance of a voucher, regardless of whether or not the family is current with its payments.

Under special circumstances indicated below, the LACDA may make an exception and allow a family to move without paying the entire balance of the debt if the family is current or can become current with its payments:

- HAP contract is terminated due to owner non-compliance
- A natural disaster
- The unit is uninhabitable or has major HQS deficiencies that are not the result of a family action or inaction.
- A life-threatening situation such as the family is a witness to or a victim of a crime and must move for safety reasons. The family will be required to provide proof in such cases.

### **17.2.3 Guidelines for Repayment Agreements**

The LACDA, at its sole discretion, will determine on a case-by-case basis whether or not to offer a family a repayment agreement for monies owed to the LACDA. The offer of a repayment agreement does not constitute an agreement to continue the family's assistance. However, the LACDA will propose termination of the family's assistance upon refusal by the family to enter into a repayment agreement.

Repayment Agreements will be executed between the LACDA and the head of household or other adult family member.

Monthly payments may be decreased in cases of hardship with the prior notice of the family, verification of hardship, and the approval of a LACDA Manager.

If the LACDA offers a repayment agreement, the family has the option to repay retroactive rent balances as follows:

1. In a lump sum amount; or
2. A monthly payment; or
3. A combination of a lump sum and monthly payment.

The LACDA will usually ask that the family pay an initial lump sum (in an amount determined by the LACDA) with the remaining balance to be paid in equal payments over a period of time not to exceed 12 months for amounts under \$2,400 or 24 months for any amount in excess of \$2,400.

In determining the initial lump sum, the LACDA will consider the total amount owed, the ability of the person to make the remaining payments and the percentage of the total sum owed. In most cases, the LACDA will ask the family to pay a significant initial lump sum as part of entering into a Repayment Agreement to help ensure full payment to the LACDA and to reduce the monthly payment. These terms will be negotiated with the tenant.

**Additional Debt Incurred:** If the family has a Repayment Agreement in place and incurs an additional debt to the LACDA:

- The LACDA may choose, at its discretion, to agree to more than one Repayment Agreement at a time with the same family.
- If a Repayment Agreement is in arrears more than 30 calendar days, any new debts must be paid in full.

### **17.3 FAMILY DEBTS OWED FOR UTILITY REIMBURSEMENT PAYMENTS**

Families must repay Utility Reimbursement Payments (URP) made by the LACDA for periods in which the family was not entitled to the URP.

If the amount of the URP owed to the LACDA is \$50 or less, the tenant will be required to pay the debt in full.

### **17.4 FAMILY DEBTS DUE TO FRAUD/NON-REPORTING OF INFORMATION** **[24 CFR §792.103]**

**HUD's Definition of Program Fraud and Abuse:** A single act or pattern of actions that constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead, and that results in payment of Housing Choice Voucher Program funds in violation of Housing Choice Voucher Program requirements.

#### **17.4.1 Family Error/Late Reporting**

Families who owe money to the LACDA due to the family's failure to report income or change in allowances or deductions will be required to repay in accordance with the guidelines set forth in 17.2 (Repayment Agreements for Families) of this chapter.

#### **17.4.2 Program Fraud**

At the LACDA's discretion, families who owe money to the LACDA due to program fraud will be required to repay the debt, and may be required to accept a repayment agreement in accordance with the guidelines set forth in Section 17.2 (Repayment Agreements for Families) of this chapter.

In addition, the case may be referred to the Inspector General and/or the LACDA may refer the case for criminal prosecution.

#### **17.5 FAMILY DEBTS PAID IN FULL**

If the LACDA determines not to enter into a Repayment Agreement, or if the Repayment Agreement is breached and the LACDA demands payment of the balance in full, the family must pay the full amount due and owing in one lump sum. If the family fails to pay, the LACDA will terminate the family's assistance and may pursue collection through a collection agency or a civil action and may notify credit agencies of the debt. Whether or not the amount is paid, the LACDA does not waive its right to take other action including termination of assistance or referral for criminal prosecution in appropriate cases.

#### **17.6 OWNER DEBTS TO THE LACDA**

If the LACDA determines that the owner has retained Housing Assistance or Claim Payments the owner is not entitled to, the LACDA may deduct the amounts owed from future Housing Assistance or Claim Payments owed the owner for any units under contract.

If future Housing Assistance or Claim Payments are insufficient to reclaim the amounts owed, LACDA may do one or more of the following:

- Require the owner to pay the amount in full within 30 calendar days;
- Pursue collections through the local court system;
- Pursue collections through a collection agency; or
- Restrict the owner from future participation;
- Agree to a repayment agreement with the owner for the amount owed. Repayment period may not exceed 2 months; however an owner may appeal to the Executive Director in writing for additional time.

##### **17.6.1 Owner Debts Due to Fraud**

If the landlord has been overpaid because of fraud, misrepresentation or violation of the contract, the LACDA may terminate the contract and arrange for restitution to the LACDA and/or family as appropriate.

The LACDA will make every effort to recover any overpayments made as a result of landlord fraud or abuse. Possible remedies available to the LACDA include: recovering monies owed from payments otherwise due to the owner, setting up a repayment agreement, referring the debt to a collection agency, or pursuing the matter in a civil court. A determination on the course of action to be taken will be based on the nature of the violation and the amount of the money owed.

Generally, if the owner is cooperative, is willing to pay back all monies owed, and all monies will be repaid within 2 months, the LACDA will offer the owner a chance to enter into a Repayment Agreement. However, in cases where the owner knowingly and willfully violated program rules, the LACDA may seek full repayment in one lump sum.

#### **17.7 WRITING OFF DEBTS**

Debts may be written off if:

- The debtor's whereabouts are unknown and the debt is more than 3 years old.
- A determination is made that the debtor is judgment proof.
- The debtor is deceased and has an insufficient estate.
- The debtor is confined to an institution indefinitely or for more than 3 years.
- The amount is less than \$100 and the debtor cannot be located.
- If a family defaults on a repayment agreement for an amount less than \$50.



## **Chapter 18:**

### **SPECIAL PURPOSE PROGRAMS**

#### **18.1 INTRODUCTION**

The LACDA periodically has the opportunity to apply for targeted funding for special populations. The LACDA often enters into collaborative agreements with other agencies or County departments to qualify for and/or administer these funds. **Special Program policies and procedures are the same as that of the Housing Choice Voucher program except as otherwise noted. If there is a conflict between program regulations and this Administrative Plan, the program regulations have precedence.**

This chapter provides details on the special purpose programs currently administered by the LACDA. :

- Veterans Affairs Supportive Housing (VASH) Program;
- Housing Opportunities for Persons with AIDS Program (HOPWA); and
- Family Unification Program (Family UP).

NOTE: Housing Choice Voucher Welfare-to-Work Program (WtW) Program. This program originally provided assistance to families who were eligible for CalWORKs benefits, were in good standing with the employment/job training program offered by the Los Angeles County Department of Public and Social Services (DPSS) and were in need of housing in order to obtain or retain employment. The LACDA no longer accepts applicants for the Welfare to Work program, however original participants still receive assistance with a Welfare to Work voucher. The LACDA maintains these contracts in accordance with the policies found throughout this Plan for traditional Housing Choice Vouchers.

#### **18.2 VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM**

This program provides rental assistance to homeless veterans and their families in combination with case management and clinical services through the Department of Veterans Affairs (VA) at Veterans Affairs Medical Center (VAMC) supportive service sites.

##### **18.2.1 Referral Process/Waiting List**

The LACDA does not maintain a waiting list for the VASH Program. Instead, the VAMC utilizes a Coordinated Access System to refer homeless veterans and their families to the LACDA for VASH program rental assistance.

##### **18.2.2 Eligibility**

To qualify for VASH rental assistance, applicants must meet HUD's income eligibility requirements. To determine final eligibility, the LACDA may verify all information submitted by applicants.

VASH applicants are not subject to a criminal background check, except to determine if any member of the family aged 18 and older is subject to a lifetime sex offender registration requirement.

For more specific information on eligibility requirements, refer to Chapter 2 Admission Eligibility Factors and Applicant Requirements.

### **18.2.3 Income Targeting**

VASH applicants are not subject to income targeting requirements. The LACDA may include the admission of an extremely low-income VASH applicant in its income targeting report for the fiscal year in which the family was admitted.

### **18.2.4 Denial of Participation**

#### **[24 CFR §982.552 and §982.553]**

VASH applicants may not be denied assistance except for failure to meet income eligibility or for being subject to a state lifetime sex offender registration requirement. If a VASH applicant is denied assistance, the LACDA will send a copy of the denial notice to HUD Headquarters, Office of Public and Indian Housing, as specified in PIH Notice 2008-37.

### **18.2.5 Verification Procedures**

Since HUD requires that factors of eligibility must be verified, applicants and program participants are required to provide proof of their statements whenever required by the LACDA.

The Homeless Condition Form is not required for VASH participants as the VAMC will verify if the participant is homeless.

### **18.2.6 Briefing Sessions and Voucher Issuance**

Briefing sessions are conducted for all eligible VASH applicants. Families are issued a Housing Choice Voucher with an initial search time of a minimum of 120 days.

See Chapter 8 for policies regarding voucher extensions.

### **18.2.7 Contracts/Tenant Payments**

Similar to the Housing Choice Voucher Program, VASH program families are contracted based on the payment standards, and participants may pay up to 40% of their adjusted monthly income for the initial lease of a unit.

Unlike the Housing Choice Voucher program, VASH families may enter into an initial lease of less than 12 months [FR-5596-N-01].

For more specific information on determining total tenant payment, please refer to Chapter 6. For more specific information on the new contract process, request for tenancy approval and contract execution, please refer to Chapter 9.

### **18.2.8 Eligible Housing Types**

Along with other eligible housing types listed in Chapter 9 The New Contract Process , VASH families may also use the voucher in a unit owned by the VA on the grounds of the VAMC.

### **18.2.9 Re-Examinations**

The LACDA is required to process annual re-examinations. In cases where a family experiences a change in household composition and/or income between annual re-examinations, the LACDA will process an interim re-examination. The family is required to report all changes in earned and unearned income, assets, expenses, full-time student status, and family circumstances within 10 calendar days of the date the change takes effect.

For more specific information regarding causes for processing annual/interim re-examinations and the requirements for completing annual/interim re-examinations, please refer to Chapter 12 (Re-Examination).

### **18.2.10 Housing Quality Standards (HQS) Inspections**

#### **[24 CFR §982.401 and §982.405]**

Housing leased with a VASH voucher must meet the HQS performance requirements both at commencement of assisted occupancy, and throughout the assisted tenancy.

After initial occupancy, VASH housing will be subject to at least an annual inspection to ensure that the housing continues to meet HQS.

For more specific information, refer to Chapter 10. Housing Quality Standards and Inspections.

### **18.2.11 Terminations**

#### **[24 CFR §982.552 and §982.553]**

VASH families are required to participate in case management services provided by the VAMC. In cases where the VASH family failed to comply with this requirement without good cause, at the direction of the VA, the LACDA must propose termination of the family's assistance.

A VA determination that the family no longer requires case management is not grounds for termination.

VASH participants are subject to the Housing Choice Voucher program rules under the family obligations. For more specific information on family obligations, please see Section 15.8 Family Obligations.

### **18.2.12 Program Transition**

If the VAMC determines the family no longer requires case management services, the LACDA will issue the family a regular Housing Choice Voucher in order to retain the VASH voucher for homeless veterans in need of case management services.

### **18.2.13 Portability**

VASH families may port before initial lease-up, even when they did not reside in the LACDA's jurisdiction at the time of application.

If a VASH family ports to a Public Housing Agency where they can be served by the VAMC that services the LACDA's jurisdiction, the receiving Public Housing Agency must bill the LACDA. If a VASH family ports to another Public Housing Agency with an available VASH voucher and where the family will be served by the VAMC in that area, the receiving Public Housing Agency must absorb the family.

A VASH family may not port to another Public Housing Agency where there is no VAMC that can serve them. They also may not port where the family will receive case management through the receiving Public Housing Agency's VAMC and the receiving Public Housing Agency does not have an available VASH voucher.

For more specific information on allowable moves and eligibility for portability, please refer to Chapter 13 (Allowable Moves/ Portability).

## **18.3 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)**

This program specifically targets individuals and families afflicted by HIV/AIDS. Assistance under this program is provided for one year. After the one-year term, all HOPWA participants in good standing are allowed to transition to the regular Housing Choice Voucher Program. This program is also administered by the LACDA in other cities in addition to the cities currently within the LACDA's jurisdiction.

### **18.3.1 Referral Process/Waiting List**

The LACDA does not maintain a waiting list for the HOPWA Program. Eligible families are identified to apply for this program by pre-selected service providers or other agencies and are referred to the LACDA.

### **18.3.2 Eligibility**

Applicants must meet HUD's eligibility requirements for HOPWA to qualify for rental assistance. In order to determine final eligibility, the LACDA may verify all information submitted by applicants.

For more specific information on eligibility requirements, please see Chapter 2 (Admission Eligibility Factors and Applicant Requirements).

### **18.3.3 Verification Procedures**

Since HUD requires that factors of eligibility must be verified, applicants and program participants are required to provide proof of their statements whenever required by the LACDA.

The Verification of Disability and/or Diagnosis Form must be provided for all individuals claiming a disability, especially a disability that is cited as a qualifying factor for the HOPWA program. Written determinations must be made by a medical professional trained to make such determination.

#### **18.3.4 Denial of Participation**

If a family previously participated in any special program and violated a family obligation and was terminated, the family may be denied future participation.

Families may be denied participation in the program if they owe the LACDA, or any other housing agency, money in connection with the Housing Choice Voucher Program or Public Housing assistance.

Families referred by contracted Community-Based Organizations (CBO's), will be sent a denial letter and referred to the CBO if there are any further questions.

#### **18.3.5 Criminal Background**

Applicants of the HOPWA Program are not required to submit to a criminal background check to determine eligibility.

#### **18.3.6 Briefing Sessions**

Briefing sessions are conducted for all special programs. HOPWA applicants are issued certificates.

For more specific information on voucher issuance and briefings, please see Chapter 8 (Voucher Issuance and Briefing).

#### **18.3.7 Contracts/Tenant Payments**

The HOPWA program is contracted based on the Fair Market Rents published by HUD and tenant rental portions are limited to 30% of the participant's adjusted monthly income.

For more specific information on determining total tenant payment, please refer to Chapter 6. For more specific information on the new contract process, request for tenancy approval and contract execution, please refer to Chapter 9.

#### **18.3.8 Re-Examinations**

The LACDA is required to process annual re-examinations. In cases where a family experiences a change in household composition and/or income between annual re-examinations, the LACDA will process an interim re-examination. The family is required to report all changes in earned and unearned income, assets, expenses, full-time student status, and family circumstances within 10 calendar days of the date the change takes effect.

For more specific information regarding causes for processing annual/interim re-examinations and the requirements for completing annual/interim re-examinations, please refer to Chapter 12 (Re-Examination).

#### **18.3.9 Housing Quality Standards (HQS) Inspections**

##### **[24 CFR §982.401 and §982.405]**

Housing leased with a HOPWA Program funds must meet the HQS performance requirements both at commencement of assisted occupancy, and throughout the assisted tenancy.

After initial occupancy, HOPWA housing will be subject to at least an annual inspection to ensure that the housing continues to meet HQS.

For more specific information, refer to Chapter 10. Housing Quality Standards and Inspections.

#### **18.3.10 Terminations**

- **Proposed Terminations**: Community Based Organizations and/or other government units or departments currently contracted by the LACDA to provide supportive services may request termination of housing assistance for a program participant who is in violation of program requirements and/or conditions of occupancy.
- **Terminations**: Housing assistance may be terminated if a family violates specific program requirements and/or the family obligation.

For more specific information on family obligations, please see Chapter 15 (Family Obligations).

#### **18.3.11 Portability**

HOPWA participants have no portability rights as long as they continue being assisted under this program. However, after 1 year of HOPWA assistance, eligible participants are converted to the regular Housing Choice Voucher program and become eligible to port out to another Public Housing Agency jurisdiction.

For more specific information on allowable moves and eligibility for portability, please refer to Chapter 13 (Allowable Moves/ Portability).

#### **18.3.12 Confidentiality**

To protect a participant's confidentiality as it relates to a medical diagnosis, all communication with persons other than the HOH shall not include any reference to the Program including its acronym. Communications include, but are not limited to, program forms, emails, and telephone calls.

### **18.4 HOUSING CHOICE VOUCHER FAMILY UNIFICATION (FUP) PROGRAM**

The FUP program provides rental assistance to families who are in imminent danger of losing or who cannot regain custody of their minor children due to lack of adequate housing and to foster care youth at risk of homelessness. This program is a collaborative effort between the LACDA and the Los Angeles Department of Children and Family Services (DCFS). Eligible program participants are identified by DCFS and referred to the LACDA for rental assistance.

As of March 2022, the LACDA will administer Foster Youth to Independence (FYI) initiative vouchers in partnership with DCFS. On behalf of City and County Continuum of Care (the CoC), the Los Angeles Homeless Services Authority (LAHSA), and the Department of Health Services ((DHS) committed to the

maximum extent feasible, to cooperate with the LACDA and DCFS and to provide any assistance needed to administer and achieve the goals of the FYI initiative vouchers.

Under FYI, the LACDA will provide housing assistance on behalf of youth at least 18 years and not more than 24 years of age (have not reached their 25th birthday) who left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in Section 475(5)(H) of the Social Security Act, and are homeless or are at risk of becoming homeless at age 16 or older.

In addition to providing up to 36 months of rental assistance, youth must be provided supportive services to assist the young person on their path to self-sufficiency.

#### **18.4.1 FUP Program Funding**

The number of families and/or youths who may receive assistance under FUP is determined by the number of FUP Housing Choice Vouchers (HCVs) that have been awarded to the LACDA through a competitive application process determined by HUD.

#### **18.4.2 Eligibility**

The Family Unification Program (FUP) is a program under which Housing Choice Vouchers (HCVs) are provided to two different populations. DCFS or LAHSA determines eligibility for participation in FUP by identifying families and youths who meet the eligibility criteria of:

1. Families for whom the lack of adequate housing is a primary factor in:
  - The imminent placement of the family's child or children in out-of-home care, or
  - The delay in the discharge of the child or children to the family from out-of-home care.
2. FUP eligible youth must:
  - Be at least 18 years and not more than 24 years of age.
  - Have left foster care at age 16 or older or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act; and
  - Be homeless or at risk of homeless.

DCFS or LAHSA certifies eligibility of selected families or youths and refers them to the LACDA for rental assistance processing.

Under the FYI, DCFS and the LAHSA as the Coordinated Entry System (CES), will identify FYI Competitive-eligible youth. FYI Competitive-eligible youth currently in foster care will be prioritized and referred to LACDA for an FYI Competitive vouchers directly from DCFS, in partnership with LAHSA-funded DCFS liaisons. Eligible youth without an open DCFS caseload will be referred to the LACDA via CES.

The LACDA conducts an initial assessment of referred FUP applicants to determine eligibility under the provisions of the HCV program. FUP applicants who meet HCV program requirements are processed to receive rental assistance under HCV regulations.

As required by statute, a FUP voucher issued to a FUP-eligible youth may only be used to provide housing assistance for the youth for a maximum of 36 months. There is no statutory limitation on the time a family may receive housing assistance under the program.

For more specific information on eligibility requirements, please see Chapter 2 (Admission Eligibility Factors and Applicant Requirements).

#### **18.4.3 Waiting List Administration**

Due to the fact that families or youth may be placed on the waiting list only by DCFS referral, the LACDA will not give a public notice of the waiting list opening for the FUP applicants. Instead, the LACDA's HCV waitlist will remain open to accept FUP referred families and youth who are not currently on the HCV waitlist.

Whether or not the FUP family or youth are already on the HCV waitlist, the LACDA's waiting list will prioritize these applicants based on the FUP/FYI target for the voucher being issued.

Upon receipt of referrals, the LACDA will compare the names with those of families or youth already on the LACDA's HCV waiting list. Any family or youth on the LACDA's HCV waiting list that DCFS identifies and refers as eligible will maintain their position on the waiting list, will be identified as FUP-eligible, and will be served prior to the DCFS referrals not currently on the HCV waiting list.

Any family or youth certified as eligible and not on the HCV waiting list will be placed on the HCV waiting list for a FUP voucher based on the date and time of the application.

For the purpose of the FUP program, the LACDA will not require that a program applicant qualify for a jurisdictional preference since most applicants are homeless and are unable to provide information about their last known permanent address.

The LACDA reserves the right to cease referrals once all FUP/FYI vouchers are in use and to commence referrals upon voucher turn-over.

#### **18.4.4 Verification Procedures**

Since HUD requires that factors of eligibility must be verified, applicants and program participants are required to provide proof of their statements whenever required by the LACDA.

#### **18.4.5 Criminal Background**

A background check will be performed for all adults (age 18 and over) at the time of initial eligibility, and upon addition of a member(s) to a household. Under no

circumstances will the LACDA admit a life-time registered sex offender into the Family Unification Program.

For more specific information on the applicant screening standards used by the LACDA when reviewing criminal records, please see Section 2.8 (Denials of Assistance).

#### **18.4.6 Denial of Participation**

The family must remain FUP-eligible from the referral phases through lease-up.

In order to meet the definition of a FUP eligible family, lack of adequate housing must be a primary factor in the imminent placement of the family's child, or children, in out-of-home care, or in delaying the reunification. If the lack of adequate housing is no longer a primary factor for the family not reunifying, the family is no longer eligible for a FUP voucher and the FUP voucher cannot be issued to the family.

If the FUP voucher has already been issued before the PHA discovers that the reunification will not happen, but the family has not yet leased up under the voucher, the PHA must not execute the HAP contract, as the family is no longer FUP-eligible.

If a FUP applicant previously participated in any special program and violated a family obligation and was terminated, the applicant may be denied future participation.

FUP applicants may be denied participation in the program if they owe the LACDA, or any other housing agency, money in connection with the Housing Choice Voucher Program or Public Housing assistance.

FUP applicants will be sent a denial letter and referred back to DCFS if there are any further questions.

#### **18.4.7 Briefing Sessions**

Briefing sessions are conducted for all eligible applicants.

For more specific information on voucher issuance and briefings, please see Chapter 8 (Voucher Issuance and Briefing).

#### **18.4.8 Voucher Issuance**

Upon verification of minor children who will be returned to the FUP household provided by the DCFS, the bedroom size voucher to be issued to the FUP household will be based upon the number of family members, including the minor children who are to be returned.

#### **18.4.9 Contracts/Tenant Payments**

The FUP program is contracted based on the payment standards, and participants may pay up to 40% of their adjusted monthly income.

For more specific information on determining total tenant payment, please refer to Chapter 6. For more specific information on the new contract process, request for tenancy approval and contract execution, please refer to Chapter 9.

**18.4.10 Supportive Services for Foster Youth to Independence (FYI)**

Prior to and after rental housing is secured, the following services will be provided for at least 36 months by DHS :

- Financial Assistance
- Rental Application Fees: application fee that is charged by the owner to all applicants; if applicable.
- Security Deposits (up to two (2) months) for an unfurnished unit and three (3) months for a furnished unit; if applicable
- Move in Assistance- First month's rent; if applicable,
- Furnishings: including child safety devices;
- Landlord holding fees; if applicable,
- Moving Costs: moving costs, such as truck rental or hiring a moving company, including certain temporary storage fees;
- Utility Deposits: standard utility deposit required by the utility company for all customers (i.e., gas, electric, water/sewage);
- Utility Payments: including up to six (6) months of arrearages, per service; if applicable,
- Reasonable and appropriate motel/hotel vouchers when rental housing has been identified for the youth but is not immediately available for move-in, provided there are no appropriate emergency shelter beds available and six-months of Aftercare services that will help the youth retain permanent housing.
- Post-move counseling including but not limited to subsequent-move counseling if the client decides to move a second time and landlord/tenant mediation.

DCFS will provide additional case management services to youth with open DCFS cases and who have multiple and complex challenges through various contracted providers that offer various services such as in-home counseling, teaching and demonstrating life skills, short term counseling, long term mental health counseling, domestic violence and substance abuse services, parenting classes, transportation, concrete supports (food, clothing, financial assistance with rent and deposit, furniture and appliances) and advocacy to navigate various public systems.

The LACDA will assist FYI Competitive-eligible youths who are homeless or at risk of homelessness through its Homeless Incentive Program (HIP), contingent on funding availability.

After Lease-up, the LACDA will encourage FYI Competitive youth to enroll in its existing Family Sufficiency Program (FSS) and encourage currently enrolled FYI Competitive youth to complete the FSS program, with the objective to reduce the dependency on welfare assistance, HCV assistance, public assistance, or any federal, state, or local rent or homeownership subsidies.

As mentioned above, these services will be provided for at least 36 months, prior to and after permanent housing is secured, and will be focused on coordinating and delivering services that ensure long term housing stability.

#### **18.4.11 Re-Examinations**

The LACDA is required to process annual re-examinations. In cases where a family experiences a change in household composition and/or income between annual re-examinations, the LACDA will process an interim re-examination. The family is required to report all changes in earned and unearned income, assets, expenses, full-time student status, and family circumstances within 10 calendar days of the date the change takes effect.

For more specific information regarding causes for processing annual/interim re-examinations and the requirements for completing annual/interim re-examinations, please refer to Chapter 12 (Re-Examination).

#### **18.4.12 Termination of Assistance and Tenancy**

The LACDA's policy and procedures regarding the termination of assistance and tenancy contained in Section 15.7 Family Obligations of this Administrative Plan apply to FUP and in addition, may include the following grounds for termination:

- DCFS may request termination of housing assistance for a program participant who is in violation of program requirements and/or conditions of occupancy.
- The case plan has been changed, and re-unification of the family may not occur within a reasonable time period, as per verification received from the DCFS.
- Housing assistance may be terminated if a family violates specific program requirements and/or the family obligation.
- FUP rental assistance issued to an emancipated youth is limited to a maximum of 36 months.

#### **18.4.13 Extension of FYI Competitive Voucher Assistance for FUP Youth**

The Fostering Stable Housing Opportunities (FSHO) Act provides an extension for up to 24-months beyond the 36-month time-limit for youth who meet certain requirements. For FUPY/FYI tenant-based vouchers, the provisions of FSHO apply to eligible youth who first leased or leases a unit where the effective date of the HAP contract execution is after December 27, 2020. For FUP/FYI Youth project-based vouchers (PBVs), the provisions of FSHO apply to eligible youth who first entered or enters into a lease agreement for their PBV unit after December 27, 2020.

In addition, to be eligible for a FUP/FYI Youth extension, FUP/FYI Youth must meet one of the following requirements:

1. Must be enrolled in the LACDA's Family Self-Sufficiency (FSS) Program with a signed and active contract of participation;
2. If unable to enroll in the LACDA's FSS program, the FUP/FYI Youth must be engaged in education, workforce development, or employment activities for at least 9-months of the 12-month period preceding the extension; or

3. Be eligible for one of the following statutory exceptions:
  - FUP/FYI Youth who are responsible for the care of a dependent child under the age of 6 or for the care of an incapacitated person;
  - FUP/FYI Youth who are regularly and actively participating in a drug addiction or alcohol treatment and rehabilitation program; or
  - FUP/FYI Youth who are incapable of complying with the requirement to participate in an FSS program or engage in education, workforce development, or employment activities due to a documented medical condition.

If the FUP/FYI -eligible youth is not participating in the LACDA's FSS Program, verification of engagement in education, workforce development, or employment activities must come from the source (i.e. school, employer or workforce development agency), or through certification from the FUP/FYI eligible youth's supportive services provider.

FUP/FYI youth must provide the LACDA with acceptable, written third-party documents, which may include, but is not limited to, verification provided by a medical professional or qualified professional with training and knowledge of the FUP/FYI youth's situation or condition.

#### **18.4.14 Program Transition for Emancipated Youth**

As required by statute, a FUP voucher issued to a FUP-eligible youth may only be used to provide housing assistance for the youth for a maximum of 36 months. If funding and Housing Choice Vouchers are available, the LACDA may prioritize a voucher as outlined under Chapter 4 Admissions Process, specifically Section 4.4 Local Preferences. Applicants must meet all Housing Choice Voucher program eligibility requirements. Admission will be on a first come first serve basis.

#### **18.4.15 Program Administration**

The LACDA policy and procedures contained in the remaining chapters in this Administrative Plan that have not been included in this chapter, will apply to FUP.

## Chapter 19:

### PROJECT-BASED VOUCHER PROGRAM

#### 19.1 **INTRODUCTION** **[24 CFR §983.5 and §983.2]**

The Project-Based Voucher (PBV) program is administered by Public Housing Agencies (PHA's) who also administer the tenant-based Housing Choice Voucher program under an Annual Contributions Contract (ACC) with HUD. PBV is assistance that is tied directly to a unit in an approved project, unlike the Housing Choice Voucher program, where assistance is tied to the participant. HUD permits PHA's to take up to 20 percent of its authorized units and attach the funding to specific units rather than using it for tenant-based assistance. The policies regarding the Housing Choice Voucher program apply to the PBV program, except where they are specifically altered in this chapter.

In administering the Project-Based Voucher program, LACDA's goals are to:

- Attract more affordable developments to the LACDA's jurisdiction;
- Preserve affordable units that might otherwise become market-rate units;
- Increase affordability of housing for families making below 30% of the area median income;
- Further HUD and LACDA goals of deconcentration; and
- Increase housing opportunities for target populations (ex. Elderly, Disabled, Chronically Homeless, Special needs families, Transition aged youth)

The LACDA may enter into contracts for Project-Based Vouchers based on the policies outlined in this chapter.

#### 19.2 **LEVEL OF ASSISTANCE** **[24 CFR §983.6; FR Notice 1/18/2017]**

The LACDA will operate a project-based voucher program using up to 20% of the authorized units for Project-Based Vouchers.

When PBV units are already selected for project-based assistance either under an agreement to enter into HAP contract or a HAP contract, the LACDA is not required to reduce the number of the units if the amount of authorized units is subsequently reduced. However, the LACDA is responsible for determining the amount of budget authority that is available for project-based vouchers and ensuring that the amount of assistance that is attached to units is within the amounts available under the ACC, regardless of whether the LACDA has vouchers available for project-basing.

**19.2.1 Additional project-based units****[FR Notice 1/18/2017; Notice PIH 2017-21]**

As permitted, LACDA may project-base an additional 10 percent of its vouchers above the 20 percent program limit. The vouchers may be distributed among one, all, or a combination of the categories as long as the total number of vouchers does not exceed the 10 percent cap. Vouchers under this requirement will be tied to units that qualify under this exception only if the units:

- Are specifically made available to house individuals and families that meet the definition of homeless under Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) and contained in the Continuum of Care Interim Rule at 24 CFR 578.3.
- Are specifically made available to house families that are comprised of or include a veteran. A veteran means an individual that has served in the United States Armed Forces.
- Provide supportive housing to persons with disabilities or elderly persons as defined in 24 CFR §5.403.
- Are located in a census tract with a poverty rate of 20 percent or less.

**Impact on Existing Contract.** PBV units that fall into one of the four categories listed above may be covered by this 10 percent exception authority only if the units are covered under a HAP contract that was first executed on or after April 18, 2017. Units added on or after April 18, 2017, through an amendment of a HAP contract that was first executed prior to April 18, 2017, are not eligible for the 10 percent exception authority.

**19.2.2 Units Not Subject to the PBV Program Limitation****[FR Notice 1/18/2017; Notice PIH 2017-21]**

PBV units under the RAD program and HUD-VASH PBV set-aside vouchers do not count towards the 20 percent limitation when the PBV assistance is attached to them.

In addition, units that were previously subject to certain federal rent restrictions or were receiving another type of long-term housing subsidy provided by HUD are not subject to the cap. The unit must be covered under a PBV HAP contract that first became effective on or after April 18, 2017.

**19.3 HUD NOTIFICATION OF INTENT TO PROJECT-BASE**

The LACDA must notify HUD of its intent to project-base its vouchers. The LACDA must submit to the local HUD Office the following information:

- The number of units authorized under the ACC for LACDA;
- The number of PBV units entirely excluded from the percentage limitation;
- The number of units qualifying under the 10 percent program cap exception category;
- The number of units currently committed to PBV (excluding those PBV units meeting an exception). To arrive at the “number of units committed to PBV,” total the number of units that are:
  1. Currently under PBV HAP contract;
  2. Under an Agreement to Enter into HAP contract (AHAP); and/or

3. Covered by a notice of proposal selection (24 CFR §983.51(d)); and
- The number of units to which the LACDA is proposing to attach project-base assistance through the new Request for Proposal (RFP) or selection.

The above information must be submitted no later than 14 calendar days prior to undertaking any of the following actions:

- Issuing a request for proposal (RFP) (24 CFR §983.51(b)(1));
- Selecting a project based on a previous competition (24 CFR §983.51(b)(2));
- If applicable, selecting a project without following a competitive process (certain PHA-Owned projects).

The LACDA must await a response from HUD prior to proceeding with the proposal.

#### **19.4 OWNER PROPOSAL SELECTION PROCEDURE** **[24 CFR §983.51]**

The LACDA may use one of the following methods to select owner proposals:

1. Request for Proposal (RFP): The LACDA may issue a competitive request for PBV proposals. An RFP may not be limited to a single site and may not impose restrictions that practically preclude owner submission of proposals for PBV on different sites.

The LACDA will publish an RFP in at least one newspaper of general circulation, as well as post the RFP on the LACDA's website. The submission deadline will be included in the RFP and a detailed application and selection criteria will be provided to all interested parties.

2. At the discretion of the LACDA, projects may be selected for PBV assistance using proposals for housing developed using federal, state, or local government housing assistance, community development, or a supportive services program that requires competitive selection of proposals (e.g., HOME, competitively-awarded Low-Income Housing Tax Credit, Affordable Housing Trust Funds), where the proposal has already been selected in accordance with such program's competitive selection requirements within three years of the LACDA's PBV selection date, and the earlier selection proposal did not involve any consideration that the project would receive PBV assistance.

Once a project is selected to receive PBV assistance, the LACDA will give public notice within 60 days of its selection on its website at [www.lacda.org](http://www.lacda.org).

##### **19.4.1 Units Selected Non-Competitively**

**[FR Notice 1/18/2017 and PIH Notice 2017-21]**

Project-based assistance for PHA-owned properties will not be competitively bid. To project-base Housing Authority-owned units, the LACDA must be

engaged in an initiative to improve, develop, or replace a public housing property or site. The LACDA can make project-based funding available in its owned properties in response to a written request. A separate request is required per property and must include the following: name and address of the property; the total number of units; requested number of units project-based vouchers, number of vouchers requested per unit size (including square footage for SRO's), proposed rent per unit size, population to be served, and name, title and contact information for the project liaison. An original signature from the Department Director or authorized delegate is required on the written request. E-mailed and/or faxed requests will not be accepted.

### **19.5 HOUSING ELIGIBLE FOR ASSISTANCE** **[24 CFR §983.52 AND §983.53, 86 FR 53207]**

The LACDA will consider proposals for existing, newly constructed, and rehabilitated housing.

The following types of housing are ineligible under the Project-Based Voucher Program:

- Shared housing;
- Units on the grounds of a penal, reformatory, medical, mental, or similar public or private institution (with the allowable exception of VASH units on medical grounds);
- Nursing homes or facilities providing continuous psychiatric, medical, nursing services, board and care, or intermediate care, except an assisted-living facility that provides home health care services such as nursing and therapy for residents of the housing;
- Units owned or controlled by an educational institution or its affiliate and are designated for occupancy by students of the institution;
- Manufactured homes; and
- Transitional Housing;
- Units occupied by owners; and
- Units occupied by ineligible families.

PBV assistance may not be attached to units for which construction or rehabilitation has started after the proposal submission and prior to the execution of an AHAP.

A member of a cooperative who owns shares in the project assisted under the PBV program is not to be considered an owner for purposes of participation in the PBV program.

### **19.6 CAP ON NUMBER OF PBV UNITS IN EACH PROJECT** **[24 CFR §983.56]**

The LACDA may not select a proposal to provide PBV assistance for units in a project or enter into an agreement to enter into a HAP or a HAP contract to provide PBV assistance for units in a project, if the total number of dwelling units

in the project that will receive PBV assistance during the term of the PBV HAP contract is more than the greater of 25 units or 25 percent of the number of dwelling units (assisted or unassisted) in the project.

**19.6.1 Exception to 25 Percent per Project Cap**  
**[24 CFR §983.56 and PIH Notice 2017-21]**

As of April 18, 2017, units are not counted against the 25 percent per project cap if:

- The units are exclusively for elderly families.
- The units are for households eligible for supportive services available to all families receiving PBV assistance in the project.
- If the project is located in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey Five-Year estimates, the project cap is the greater of 25 units or 40 percent (instead of 25 percent) of units in the project.

The Housing Opportunity Through Modernization Act of 2016 (HOTMA) eliminated the project cap exemption for projects that serve disabled families and modified the exception for supportive services

Projects where the caps were implemented prior to HOTMA (HAP Contracts were executed prior to 04/18/2017) must continue to use the former exceptions until the project's HAP contract under the old requirements is renewed or unless the PHA and owner agree to amend the conditions of the HAP contract. However, the LACDA will not make changes to a HAP contract if it is determined that the change would jeopardize an assisted family's eligibility for continued assistance in the project.

**19.6.2 Supportive Services – HOTMA**

As of 04/18/2017, the project must make supportive services available to all families receiving PBV assistance in the project, but the families do not actually have to accept and receive supportive services for the exception to apply to the unit. It is not necessary that the supportive services be provided at or by the project, but must be reasonably available to families receiving PBV assistance at the project and designed to help families in the project achieve self-sufficiency or live in the community as independently as possible.

If a family at the time of initial tenancy is receiving, and while the resident of an excepted unit has received, FSS supportive services or any other supportive services, and successfully completes the FSS contract of participation or the supportive services requirement, the unit continues to count as an excepted unit for as long as the family resides in the unit.

The LACDA will not require families living in excepted units to receive supportive services. Families will be offered the opportunity to enroll in either LACDA's FSS program or other Supportive Services Program offered through the project, as a condition of occupancy.

Supportive Services offered include, but are not limited to:

- LACDA's Family Self-Sufficiency (FSS) program;
- Case Management
- Mental Health Care
- Substance Use Services
- Employment and Training
- Education program where there is a reasonable expectation of leading to self-sufficiency
- Life Skills
- Physical Health Care
- Benefits Assistance
- Representative Payee
- Legal Assistance
- Child Care (if applicable)
- Adult Day Care

#### **19.6.3 Pre HOTMA Projects**

Projects under HAP contract in effect prior to April 18, 2017, remain obligated by the terms of those HAP contracts with respect to the requirements that apply to the number and types of excepted units in a project, unless the owner of the project and LACDA mutually agree to change those requirements.

The LACDA and owner may agree to change such HAP contract requirements as it pertains to the exception categories of elderly families and families eligible for supportive services. The LACDA and owner must not change the terms of an existing HAP contract to add a new category of excepted unit.

The PBV contract may not be changed to conform with the HOTMA requirement if the change would jeopardize an assisted family's eligibility for continued assistance at the project (e.g. the excepted units at the project include units designated for families with a household member with disabilities, and changing to the HOTMA standard would result in those units no longer being eligible as excepted units unless the owner makes supportive services available to all assisted families in the project).

A HAP contract may be amended, at LACDA's discretion, to add additional PBV units in the same project. The LACDA may use this amendment process to add units where applying the new project cap definition results in more PBV units. HOTMA overrides existing regulation so that new units may be added at any time during the term of the HAP contract without being subject to competitive selection procedures. All other requirements of 24 CFR §983.207(b) must be met, including not exceeding the 20 percent program cap.

#### **19.6.4 Supportive Services – Pre-HOTMA Projects**

For projects using the former supportive services statutory exemption (which required that the family be receiving the supportive services) and/or the

exemption for families with a household member with disabilities, the LACDA and the owner will continue to operate under the pre-HOTMA requirements and will continue to renew HAP contracts under the old requirements, unless the LACDA and the owner agree by mutual consent to change the conditions to conform with the HOTMA requirement.

#### **19.6.5 Qualifications for Supportive Services – Pre HOTMA Projects**

It is not necessary that the supportive services be provided at or by the project.

At least one member of the family must be receiving the supportive service for the unit to remain excepted from the 25% cap.

Participation in medical- or disability-related services is not required as a condition of living in an excepted unit, other than a substance use treatment program for the member of the family with the substance misuse disorder, although such services may be offered.

#### **19.6.6 Supportive Services Monitoring – Pre HOTMA Projects**

Participant compliance with a supportive service contract will be monitored at least annually. The LACDA will request a status update for the participant's supportive service contract at the anniversary of said contract. The LACDA may request a status update on the supportive service contract more frequently, at its discretion.

Providers of supportive services must provide the LACDA any changes to the program within thirty days of when those changes occur. Providers must also immediately report to the LACDA when a family fails to meet the supportive service contract requirements.

#### **19.6.7 Failure to Meet Supportive Service Requirements – Pre HOTMA Projects**

When a family living in an excepted unit fails to meet the requirements of a supportive service contract, and is living in the excepted unit because of the supportive services received, the LACDA will propose termination of the contract. The family will not be issued a voucher to move.

The owner and participant will be given a sixty-day notice of the proposed termination of the HAP contract. The owner may at that time terminate the lease and issue an order to vacate by the HAP contract termination date.

If a family fails to meet the requirements of the supportive service contract for good cause, as determined by the LACDA, and is qualified to become reinstated in the supportive service program within a reasonable time period, the LACDA may counsel the family on its obligations and allow reinstatement of the supportive service contract.

### **19.7 PROJECT SELECTION CRITERIA** **[24 CFR §983.57]**

The following criteria will be considered when evaluating proposals for Project-Based Voucher assistance:

1. Housing that serves homeless families;
2. Housing that serves disabled families or individuals;
3. Housing that serves elderly families or individuals;
4. Housing that serves families with children, consistent with the needs indicated by the LACDA's waiting list; and/or
5. Other documented needs
6. Serving very low-income families in mixed-income projects;
7. Other appropriate criteria consistent with regulation.
8. Housing that provides an appropriate level of supportive services to residents;
9. Housing that serves low- to extremely low-income families for the life of the project;
10. Other criteria consistent with regulation.

#### **19.7.1 Selection Requirements for All PBV Assisted Proposals**

Eligible projects must meet the following LACDA requirement:

If any portion of a proposed new construction development site is within 500 feet of a freeway, the project must be designed in such a way as to exclude from this 500-foot freeway "buffer" area any portion of the residential building, as well as play areas, community rooms, gardens, patios, and other areas where residents may reasonably be expected to congregate. The LACDA shall review and approve, at its sole discretion, any site plans for developments of this type.

#### **19.7.2 Selection Requirements for All Housing Types**

A project may be selected to receive PBV assistance only if it is or will be located in a census tract that meets one of the following criteria:

- (i) A HUD-designated Enterprise Zone, Economic Community or Renewal Community;
- (ii) The concentration of assisted units will be or has decreased as a result of public housing demolition;
- (iii) Is undergoing significant revitalization;
- (iv) State, local, or federal dollars have been invested in the area that has assisted in the achievement of the statutory requirement;
- (v) New market rate units are being developed that will positively impact the poverty rate in the area;
- (vi) Meaningful opportunities for educational and economic advancement exist.

Additionally, the site must be suitable in terms of furthering and facilitating all Fair Housing requirements.

The site must also meet the HQS site and neighborhood standards found in section 10.3.11 of this Plan.

#### **19.7.3 Requirements for Selecting Existing and Rehabilitated Housing** **[24 CFR §983.151]**

The LACDA will only select existing and rehabilitated housing projects that meet the following criteria:

- (1) The site is adequate in size, exposure, and contour to accommodate the number and type of units proposed, and adequate utilities and streets must be available to service the site. (The existence of a private disposal system and private sanitary water supply for the site, approved in accordance with law, may be considered adequate utilities.)
- (2) Promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.
- (3) Be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents.
- (4) Be so located that travel time and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower-income workers is not excessive. This requirement does not apply to senior projects.

#### **19.7.4 Requirements for Selecting New Construction Housing**

The LACDA will select only new construction housing projects that meet the following criteria:

- (1) The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed, and adequate utilities (water, sewer, gas, and electricity) and streets must be available to service the site.
- (2) The site must not be located in an area of minority concentration, except as permitted under number (3) of this section.
- (3) A project may be located in an area of minority concentration only if:
  - (i) Sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside areas of minority concentration;
    - a. Application of this sufficient, comparable opportunities standard involves assessing the following factors:
      - i. Significant number of assisted housing units is available outside areas of minority concentration.

- ii. There is significant integration of assisted housing projects constructed or rehabilitated in the past 10 years, relative to the racial mix of the eligible population.
  - iii. There are racially integrated neighborhoods in the surrounding area.
  - iv. Minority families have benefited from local activities (e.g., acquisition and write-down of sites, tax relief programs for homeowners, acquisitions of units for use as assisted housing units) undertaken to expand choice for minority families outside of areas of minority concentration.
  - v. Comparable housing opportunities have been made available outside areas of minority concentration through other programs.
  - vi. The project is necessary to meet overriding housing needs that cannot be met in that housing market area.
    - 1. Application of the “overriding housing needs” criterion may permit approval of sites that are an integral part of an overall local strategy for the preservation or restoration of the immediate neighborhood and of sites in a neighborhood experiencing significant private investment that is demonstrably improving the economic character of the area (a “revitalizing area”).
    - 2. An “overriding housing need,” may not serve as the basis for determining that a site is acceptable, if the basis for the decision is that discrimination related to race, color, religion, sex, national origin, age, familial status, or disability renders sites outside areas of minority concentration unavailable or if the use of this standard in recent years has had the effect of circumventing the obligation to provide housing choice.
- (4) The site must promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas poverty concentration.
- (5) The neighborhood must not be seriously detrimental to family life or one in which substandard dwellings or other undesirable conditions predominate, unless there is actively in progress a concerted program to remedy the undesirable conditions.
- (6) The housing must be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents.
- (7) Except for new construction housing designed for elderly persons, travel time, and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower-income workers, must not be excessive.

**19.7.5 Changes to Definitions of PHA-Owned Housing and Use of Independent Entities**

**[24 CFR §983.51(e), §983.59, FR-5976-N-03, and PIH Notice 2017-21]**

Definition of PHA-owned units: A unit in a project that is:

- (1) Owned by the PHA (including a controlling interest in the entity that owns the unit)
- (2) Owned by an entity controlled by the PHA
- (3) Owned by an LLC or LP in which the PHA holds a controlling interest in the managing member or general partner

Controlling interest means:

- i. Holding more than 50% of the stock of any corporation; or
- ii. Having the power to appoint more than 50% of the members of the board of directors of a non-stock corporation (such as a non-profit corporation); or
- iii. Where more than 50% of the members of the board of directors of any corporation also serve as directors, officers, or employees of the PHA; or
- iv. Holding more than 50% of all managing member interests in an LLC; or
- v. Holding more than 50% of all general partner interests in a partnership; or
- vi. Having equivalent levels of control (more than 50%) in other ownership structures

A unit is not considered to be PHA-owned when:

- i. The PHA holds a fee interest as ground lessor of the property (land) but not in the building itself
- ii. The PHA holds only a security interest under a mortgage or deed of trust on the unit; or
- iii. The PHA has only a non-controlling interest in an entity that owns the unit

If a unit is PHA-owned as defined above, the PHA must establish a separate legal entity to serve as the owner. Such entity may be a non-profit affiliate of the PHA, LLC, LP, corporation or other legally acceptable entity recognized under State law. Such entity would serve as the owner for purposes of execution of the HAP contract. The PHA and independent entity shall submit a joint certification to the HUD Field Office prior to performing any of the functions listed below, certifying that the PHA and independent entity have no legal, financial, or other connection that would create a bias. A unit of government at a level higher than the LACDA may perform these functions without HUD approval.

The independent entity must perform the following functions:

- (1) Review the PHA's PBV selection process (May also be conducted by HUD Field Office)
- (2) Establish contract rents and determine rent reasonableness

- (3) Provide a copy of the rent reasonableness determination to the PHA and HUD Field Office
- (4) Establish the term of the HAP Contract and any extensions if applicable
- (5) Inspect the units
- (6) Provide a copy of the inspection report to the PHA and HUD Field Office

## **19.8 AGREEMENT TO ENTER INTO THE HAP CONTRACT [24 CFR §983.152]**

If a rehabilitated or newly constructed project, as defined by regulation, is selected by the LACDA to receive Project-Based Vouchers, the LACDA will enter into an Agreement to enter into a Housing Assistance Payment (AHAP) contract with the owner in the form required by HUD.

In the AHAP, the owner agrees to develop the contract units to comply with HQS, and the LACDA agrees that, upon timely completion of the development in accordance with the terms of the AHAP, the LACDA will enter into a HAP contract with the owner for the contract units.

The LACDA may not pay or enter into an agreement if commencement of construction or rehabilitation occurs after proposal submission. Rehabilitation begins with the physical commencement of rehabilitation activity on the housing. Commencement of construction occurs when excavation of site preparation (including clearing of the land) begins.

Delays in completion of rehab/construction may result in termination of the agreement.

The PHA may extend the completion deadline for unforeseen factors outside of the owner's control.

The owner must obtain the PHAs approval for any changes in work. If the owner does not do so, the PHA may set a lower initial rent.

### **19.8.1 Subsidy Layering Review (SLR) [24 CFR §983.55]**

The LACDA may only provide assistance in accordance with HUD subsidy layering regulations and other requirements.

A subsidy layering review will not be required to enter into an agreement or to execute a contract between the LACDA and the owner when a project has not received any form of government housing assistance, other than the PBV assistance.

A subsidy layering review is required for any new construction or rehabilitation project receiving a form of government housing assistance in addition to project-based vouchers. The LACDA will not enter into an AHAP with the owner until the project has successfully passed a subsidy layering review by HUD or other HUD-approved agency

The owner must certify in the HAP contract that the project has not received and will not receive any other form of public assistance during the life of the HAP contract other than that disclosed in the subsidy layering review.

**19.8.2 Environmental Review**  
**[24 CFR §983.58]**

The Project Based Voucher program is subject to National Environmental Policy Act environmental review pursuant to the requirements at 24 CFR Part §983.58 and 24 CFR Part 58.

If it is determined that an environmental review is required for new construction or rehabilitation projects, the LACDA will not commit any funds under PBV assistance nor enter into an AHAP with the owner until HUD approves a release of funds.

**19.9 SELECTION OF PARTICIPANTS**  
**[24 CFR §983.251]**

The LACDA will only provide PBV assistance to families determined eligible, consistent with Chapter Two of this Plan.

**19.9.1 Waiting List**

The LACDA will use a separate waiting list for each project receiving Project-Based Voucher assistance or sets of units within a project if there are multiple eligibility restrictions for special needs populations.

If applicable, projects receiving Project-Based Voucher or Project-Based VASH assistance are required to use a Coordinated Access System to identify and refer 80 percent of its eligible applicants for the project's waiting list.

Applicants currently on the tenant-based assistance waiting list will be given an opportunity to place their name on a PBV waiting list, with their original date and time intact. If a new applicant applies to the tenant-based waiting list, the applicant will be given the opportunity to also place their name on any open PBV waiting list.

Upon admission to the PBV program, the applicants name will be removed from any other project-based voucher waiting lists that the applicant has applied for.

**19.9.2 Protection of In-Place Families**

Families who reside in units selected to receive PBV assistance on the proposal selection date and who are also eligible in accordance with Section 2.2 of this Plan, will be given the opportunity to place their name on the appropriate PBV site-based waiting list. An absolute preference will be given to that family to be selected from the waiting list. If the family is then determined fully eligible for the PBV program under all LACDA eligibility criteria, the family will then be referred to the owner for an appropriately-sized unit in the project.

### **19.9.3 Local Preferences**

Applicants on any PBV waiting list are subject to the system of local preferences as it pertains to that particular waiting list. PBV site-based waiting lists will have admissions preferences that reflect the target population of each project.

When PBV buildings are selected, the LACDA will publicly notice the selection, as well as the target population of each project. As new waiting lists are opened, an email notice will be sent to the Housing Choice Voucher (Section 8) tenant-based waiting list identifying available site-based PBV lists and their respective admissions preferences. If a site-based waiting list is opened to the public, it will be advertised on the LACDA's website, along with its admissions preferences.

Disabled families who need an available accessible unit at a particular project may be awarded first preference from the waiting list.

Disabled families may not be required to accept the supportive services offered nor can a preference be granted for those with a particular disability.

### **19.9.4 Refusal of Assistance**

If a family refuses an offer of PBV assistance or the owner rejects a family for admission to the owner's PBV units, the LACDA may remove the family from the site-based waiting list from which they were selected. Such refusal will not affect the family's position on the tenant-based waiting list or any other PBV site-based waiting list, nor affect any admissions preference for which the family qualifies.

## **19.10 INFORMATION FOR ACCEPTED FAMILIES** **[24 CFR §983.252]**

When a family accepts an offer of PBV assistance, the LACDA will provide the family an oral briefing. Attendance at this briefing is mandatory. The briefing will include:

- A description of how the program works;
- Family and owner responsibilities.

A briefing packet will be provided with information regarding:

1. How the LACDA determines total tenant payment;
2. Family obligations; and
3. Applicable fair housing information.

## **19.11 LEASING OF CONTRACT UNITS** **[24 CFR §983.253]**

Owners must lease contract units only to eligible families, selected and referred by the LACDA from the waiting list, during the term of the HAP contract.

Owners must develop written tenant selection procedures consistent with the purpose of improving housing opportunities for very low-income families (or low-income VASH-eligible veterans), related to program eligibility and an applicant's ability to perform lease obligations.

An owner must promptly notify, in writing, any rejected applicant of the grounds for rejection.

Owners must follow the LACDA's subsidy standards when leasing units to referred families.

**19.12 VACANCIES**  
**[24 CFR §983.254]**

The owner must promptly notify the LACDA of any current or expected vacancy in a contract unit. After owner notice, the LACDA will promptly refer a sufficient number of families to the owner to fill the vacancy.

If any contract unit has been vacant for at least 120 days since the owner notice of vacancy, the LACDA may give notice to the owner amending the HAP contract to reduce the number of contract units by the number of units that have been vacant for that period.

**19.13 TENANT SCREENING**  
**[24 CFR §983.255]**

The LACDA may take into consideration any admission criteria outlined in Chapter Two of this Plan in order to screen applicants for eligibility; however, it is the responsibility of the owner to screen applicants for behavior and suitability for tenancy.

The LACDA will provide the owner with the tenant's current and former address, as well as the name and address of the current and/or former landlord, if known. This policy is consistent with information provided to owners under the Housing Choice Voucher program.

**19.14 HOUSING ASSISTANCE PAYMENTS CONTRACT**

The LACDA must enter into a Housing Assistance Payments (HAP) contract with the owner in order to provide housing assistance payments for eligible families. The LACDA will make housing assistance payments to the owner in accordance with the HAP contract, for contract units leased and occupied by eligible families during the term of the HAP contract.

The LACDA will use the most recent HUD-approved form of the HAP contract.

**19.14.1 Execution of the HAP Contract**  
**[24 CFR §983.204, 24 CFR §983.209]**

Before the HAP contract may be executed, the LACDA will inspect each contract unit in accordance with section 21.15 of this chapter and Chapter Ten of this Plan.

For existing housing, the HAP contract must be executed within 30 days of passed inspections for all proposed units under the HAP contract.

For new construction or rehabilitated housing, the HAP contract is executed within 60 days after the LACDA has inspected the completed units and is

satisfied that said units are completed in accordance with the AHAP and the owner has furnished the required evidence of completion.

By execution of the HAP contract, the owner certifies:

- The owner is and will maintain all contract units in accordance with HQS;
- The owner is providing all services, maintenance, equipment and utilities as agreed to under the HAP contract and in the leases with assisted families;
- Each contract unit is leased to an eligible family and the lease complies with the HAP contract and HUD requirements;
- Members of the assisted family reside in the contract unit and it is their only residence;
- The owner is not a relative of any member of the assisted family by blood or operation of law;
- The amount of the housing assistance payment is the correct amount due under the HAP contract;
- The rent to owner for each contract unit does not exceed the rent due to owner for any comparable, unassisted unit;
- The owner will not receive any other payments beyond the tenant rent and housing assistance payments for the contract unit; and
- The family does not own or have any interest in the contract unit.

**19.14.2 Term of the HAP Contract**  
**[24 CFR §983.205 and PIH Notice 2017-21]**

As of April 18, 2017, the LACDA may enter into a new HAP contract with an owner for an initial term of up to twenty years. The length of the initial term of the HAP contract may not be less than one year.

For any PBV HAP contract that is still within the initial term, the LACDA and owner may mutually agree to extend the contract for up to the maximum initial term of 20 years. If the HAP contract is no longer in the initial term, the LACDA will not extend the initial term.

The LACDA may further extend the HAP contract beyond 20 years from the end of the initial term as long as the following conditions are met:

- The LACDA must determine such extension is appropriate to continue providing affordable housing for low-income families or to expand housing opportunities;
- The determination must be made no earlier than 24 months prior to the expiration of the HAP contract.
- The term of the new extension may not exceed 20 years.

Regardless of the length of the extension, all such extensions must meet the same conditions.

The HAP contract may be terminated by the LACDA for insufficient funds. If it is determined there are insufficient funds available to continue to assist all contract units for the full term, the LACDA may give notice to the owner for all or any of the contract units, in accordance with HUD instructions.

**19.14.3 Amendments to the HAP Contract**  
**[24 CFR §983.207]**

**Amendment to Substitute Contract Units** – The LACDA may amend the HAP contract to substitute a different unit with the same number of bedrooms in the same building for the previously assisted unit. Prior to the substitution, the LACDA will inspect the proposed substitution unit and determine reasonable rent.

**Amendment to Add Contract Units** – At the discretion of the LACDA and provided the number of PBV-assisted units in a project will not exceed the 25% unit cap or the 20% program cap (plus an additional 10% for certain populations as described in Section 19.2.1) for the PBV program, the HAP contract may be amended to add additional PBV units to a building.

If there are already exception units (units in excess of the 25% cap) designated in the HAP contract, the contract may be amended to add additional exception units, provided that the addition does not exceed the 20% budget authority.

The anniversary and expiration date for the added units in either situation will be the same as for the existing units under the HAP contract.

**19.14.4 Termination of the HAP Contract by the LACDA**  
**[24 CFR §983.205(c) and FR Notice 1/18/2017]**

The HAP Contract provides that the term of the PHA's contractual agreement is subject to the availability of sufficient appropriated funding as determined by HUD or the PHA in accordance with HUD instruction. For these purposes, sufficient funding means the availability of appropriations, and of funding under the ACC from such appropriations, to make full payment of housing assistance payments payable to the owner for any contract year in accordance with the terms of the HAP contract.

In times of insufficient funding, HUD requires that the PHA first take all cost-saving measures prior to failing to make payments under existing PBV HAP Contracts.

If it is determined that there may not be sufficient funding to continue housing assistance payments for all contract units and for the full term of the HAP Contract, the PHA may termination the HAP contract by notice to the owner.

As such, the LACDA will implement the HAP Contract termination in accordance with HUD instructions.

**19.14.5 Termination of the HAP Contract by the Owner**  
**[24 CFR §983.205(d)]**

If in accordance with program requirements the amount of rent to an owner for any contract is reduced below the amount of the rent to owner at the beginning of the HAP contract term, the owner may terminate the HAP contract by giving

notice to LACDA. In such cases, families living in the contracted units must be offered tenant-based assistance.

**19.14.6 Statutory Notice Requirements - Contract Termination or Expiration**

**[24 CFR §983.206; FR Notice 01/18/2017; and Notice PIH 2017-21]**

Not less than one year before the HAP contract terminates, or if the owner refuses to renew the HAP contract, the owner must notify the LACDA and assisted tenants of the termination. The notice must be provided in the form prescribed by HUD. If the owner does not give timely notice, the owner must permit the tenants in assisted units to remain in their units for the required notice period with no increase in the tenant portion of their rent, and with no eviction as a result of the owner's inability to collect an increased tenant portion of rent. An owner may renew the terminating contract for a period of time sufficient to give tenants one-year advanced notice under such terms as HUD may require.

Upon termination or expiration of the contract, a family living at the property is entitled to receive a tenant-based voucher. Tenant-based assistance would not begin until the owner's required notice period ends. The LACDA must provide the family with a voucher and the family must also be given the option by the LACDA and owner to remain in their unit with HCV tenant-based assistance as long as the unit complies with inspection and rent reasonableness if the gross rent exceeds the applicable payment standard. The family has a right to remain in the project as long as the units are used for rental housing and are otherwise eligible for HCV assistance. The owner may not terminate the tenancy of a family that exercises its right to remain except for serious or repeated lease violations or other good cause. Families that receive a tenant-based voucher at the expiration of the PBV HAP contract are not new admissions to the HCV tenant-based program, and are not subject to income eligibility requirements or any other admissions requirements. If the family chooses to remain in their unit with tenant-based assistance, the family may do so regardless of whether the family share would initially exceed 40 percent of the family's adjusted monthly income.

**19.15 HOUSING QUALITY STANDARDS (HQS) INSPECTIONS**  
**[24 CFR §983.103]**

HQS inspections will be conducted in accordance with Chapter Ten of this Plan. The LACDA may not perform inspections on units where there is a direct or indirect interest by any of its employees or officers.

The LACDA will inspect PBV units at the following times:

- Pre-selection – the LACDA will inspect the proposed site before the proposal of Existing Housing selection date. For existing units, units must substantially comply with HQS before the proposal selection date. Units must fully comply before the HAP contract may be executed;
- Pre-HAP Contract;

- Turnover – the LACDA must inspect a unit before a new family moves in. The unit must fully comply with HQS before a family may receive assistance in that unit;
- Annual – The LACDA will conduct inspections on a random sample of at least 20% of contract units in a building annually. Turnover inspections are not counted toward annual inspections.
- If more than 20% of the annual sample fails the HQS inspections, 100% of the contract units in the building must be inspected.
- Other times – the LACDA will inspect PBV units at other times as necessary to insure the contract units are in compliance with HQS and that the owner is providing utilities, maintenance and other services in accordance with the HAP contract.

**19.15.1 HQS Violation**  
**[24 CFR §983.207]**

The LACDA may make no HAP payments to the owner during any period in which the contract unit does not comply with HQS or any other HAP contract requirement.

Remedies for HQS violation include abatement or reduction in HAP payments, reduction of contract units, and termination of the HAP contract.

**19.15.2 Inspecting PHA-owned Units**  
**[24 CFR §983.103(f)]**

In the case of PHA-owned units, the inspection must be performed by an independent agency designated by the LACDA and approved by HUD. The independent entity must furnish a copy of each inspection report to the LACDA and to the HUD field office where the project is located. The LACDA must take all necessary actions in response to inspection reports from the independent agency, including exercise of contractual remedies for violation of the HAP contract by the PHA-owner.

**19.16 RESTRICTIONS ON RENTING TO RELATIVES**  
**[24 CFR §983.251(a)(4)]**

The LACDA will not approve a tenancy if the owner, including principal owners or other interested parties, is the parent, child, grandparent, grandchild, sister, or brother of any member of the family unless the approval is the result of a reasonable accommodation for a disabled family member.

**19.17 LEASE**  
**[24 CFR §983.256]**

Owners must use the same lease for contract units as for unassisted units, with the lease being in accordance with state law.

The lease must include the HUD tenancy addendum. All provisions in the tenancy addendum must be included in the lease. Provisions in the addendum shall prevail over provisions in the lease.

The initial term of the lease must be for at least one year.

In addition to an initial term of at least one year, the lease must provide for automatic renewal after the initial term. Automatic renewal may be in the form of:

- Renewal for successive definite terms (ex: Month to month or year to year)
- Automatic indefinite extension of the lease term

The lease must specify:

- Names of the owner and tenant;
- Identifying information of the unit rented;
- Term of the lease and any provision for renewal;
- The amount of tenant rent to owner;
- Specification of services, maintenance, equipment, and utilities to be provided by the owner;
- The amount of any charges for food, furniture, or supportive services.

#### **19.17.1 Changes in the Lease**

If the tenant and owner agree to any changes in the lease, the change must be in writing and must be submitted to the LACDA immediately.

The owner must notify the LACDA of any proposed change in the lease regarding responsibility for utilities. Such changes may only be made with approval of the LACDA. If the LACDA approves a change in responsibilities for utilities, rent reasonableness must then be re-determined. The rent to owner will be re-calculated from the effective date of the change.

#### **19.17.2 Absence from the Unit**

The LACDA's absence policies found in Chapter Six of this Plan will apply to the PBV program. The lease may specify a maximum period of family absence from the unit that is shorter than that specified by the LACDA.

The HAP contract will not be terminated if the family is absent for longer than the maximum period permitted by the LACDA.

#### **19.17.3 Owner Termination of Tenancy and Eviction**

Grounds for owner termination and eviction reflect the policies outlined in Chapter Fourteen of this Plan, except that an owner may not terminate tenancy after the initial term of the lease for business or economic reasons, or to repossess the unit for personal, family, or nonresidential use.

If an owner refuses to renew the lease without good cause, the family will be issued a tenant-based voucher and the unit will be removed from the HAP contract.

The lease terminates if the owner terminates the lease for good cause, or the owner and tenant agree to terminate the lease

Owners who wish to terminate a HAP contract by either allowing it to expire or refusing to renew it must give the LACDA and the tenants at least 1 year notice. If a proper notice is not given, the owner must allow families to remain in their units for the balance of the notice period without an increase in the tenant's portion of rent. Under this circumstance, the owner may not evict a family due to an inability to collect an increased tenant portion of rent. An owner may renew a terminating contract for a period long enough to give tenants at least a 1 year notice.

#### **19.17.4 PHA Terminations**

##### **[24 CFR §983.2(c)(5)]**

The LACDA may terminate a family that violates the family obligations of the PBV program. Subsequent to a proposed termination of a family's assistance, the LACDA will advise the family of its right to an informal hearing as outlined in chapter sixteen of this plan.

The LACDA is required to automatically terminate the HAP contract 180 calendar days after the last housing assistance payment is made to the owner.

- If the family still resides in the unit after the 180 day period and there is still no HAP payment on their behalf, the unit will be removed from the contract.
- If the family has resided in the unit for more than one year, they may request a tenant based voucher and attempt to find a unit for which there will be a HAP payment. No voucher will be issued to a family whose assistance has already been terminated.
- If the unit is in a fully assisted project it may be reinstated once the ineligible family vacates the unit, and in a partially assisted project, another unit may be substituted for the ineligible unit. In both cases the reinstatement/substitution must be in compliance with PBV regulations.

Additionally, the lease terminates if the LACDA terminates the HAP contract or if the LACDA terminates the family's assistance.

The termination of a family's assistance by the PHA alone does not result in an eviction. An owner must pursue eviction in local court. If the owner decides not to pursue eviction, the LACDA may elect to either substitute the ineligible unit or remove the ineligible unit from the HAP contract.

#### **19.17.5 Security Deposits**

##### **[24 CFR §983.258]**

The owner may collect a security deposit from the tenant. The amount may not exceed that allowed by state and local law or that charged to unassisted units in the same building.

When the tenant moves out, the owner may use the amount of the deposit, in accordance with the lease and state and local law, as reimbursement for any unpaid tenant rent, damage to the unit, or any other amount the tenant owes under the lease.

The owner must give the tenant a written list of all items charged against the security deposit and the amount of each item. After deducting the amount used

to reimburse the owner, the owner must promptly refund the full amount of the balance to the tenant.

If the balance is not sufficient to cover amounts the tenant may owe under the lease, the owner may seek the remainder from the tenant. The LACDA has no liability or responsibility for payment of any amount owed by the family to the owner.

#### **19.18 CURRENT PARTICIPANT RIGHT TO MOVE WITH TENANT-BASED ASSISTANCE** **[24 CFR §983.260]**

Eligible families may terminate the assisted lease at any time after the first year of occupancy. Families who wish to move must first contact the LACDA to request a voucher before submitting a lease termination notice to the owner. Once the LACDA has received a written request for a voucher, the family will be issued a new voucher. If the reexamination is current (within 12 months) the LACDA will not conduct a reexamination before issuing the voucher unless there are reported changes to income or the family composition that would require an interim reexamination. At the same time the voucher is issued, the family will receive a Request for Tenancy Approval (RTA). The family should begin looking for housing immediately in order to ensure a smooth transition to the new unit.

If the family terminates the assisted lease before the end of one year, the family relinquishes the opportunity for continued tenant-based assistance.

Requests to move for families wishing to port to another jurisdiction must be submitted in writing.

If a tenant-based voucher is not available at the time of the family's request, the PHA will give the family priority to receive the next available opportunity for continued tenant-based assistance by maintaining and selecting from a waiting list for PBV participants seeking to transfer to the HCV program

#### **19.19 FAMILY OCCUPANCY OF WRONG-SIZE OR ACCESSIBLE UNIT** **[24 CFR §983.260]**

If the LACDA determines that a family is occupying the wrong-size unit, or a unit with accessibility features the family does not require, and is needed by a family that requires the accessibility features, the LACDA will offer the family continued assistance in another unit and will notify the family and owner immediately of its offer of continued assistance and determination.

The LACDA may offer continued assistance either in another PBV unit or a tenant-based voucher. If appropriate, the LACDA may refer the family to an available public housing unit or other public or private tenant-based assistance (e.g. HOME).

If the family is given a tenant-based voucher, policies under the Housing Choice Voucher program regarding voucher issuance and expiration will apply. If a family fails to lease a unit with the tenant-based voucher, assistance will be terminated upon expiration of the voucher (and any subsequent extensions granted by the LACDA)

Upon determination that the family is occupying a wrong-size unit or a unit with accessibility features not required by the family and continued assistance is offered in the form of a project-based voucher, the family will have ninety days in which to move to another unit. If the family fails to move or refuses the offer of continued assistance in another unit, assistance to the family will be terminated.

## **19.20 DETERMINING RENT TO OWNER**

**[24 CFR §983.301, 24 CFR §983.302, and 24 CFR §983.303(b)(1)]**

The amount of estimated rent to owner must be included in the Agreement for rehabilitated or newly constructed housing. The actual rent to owner must be determined at the beginning of the HAP contract term for all types of housing.

The LACDA may include as part of the HAP contract, a provision that the rent to owner will not be reduced below the initial rent. If the LACDA elects to include such a provision, the rent to owner will not be reduced below the initial rental amount during subsequent reasonable rent re-determinations. Additionally, rents will only be reduced below the initial amounts to correct errors in calculations or if additional housing assistance has been combined with the PBV assistance after the execution of the initial HAP contract and a decrease is required due to subsidy layering requirements.

The amount of rent to owner is redetermined at the owner's request for a rent increase at the anniversary of the HAP Contract and when there is a 10% decrease in the published FMR.

Except for certain tax credit units specified below, the amount of rent to owner must not exceed the lowest of:

- An amount determined by the PHA that does not exceed 110% of the FMR (or any exception payment standard approved by HUD), minus the utility allowance; The LACDA will cap this amount at the current payment standard in effect at the time of the determination.
- The reasonable rent; or
- The rent requested by the owner.

### **19.20.1 PHA – Owned Units**

**[24 CFR §983.301(g)]**

For PHA-owned PBV units, the amount of reasonable rent must be determined by an independent agency approved by HUD in accordance with PBV requirements. The independent entity must provide a copy of the determination of reasonable rent for PHA-owned units to the LACDA and to the HUD field office where the project is located.

Therefore, the initial rent to owner and the annual redetermination of rent at the anniversary of the HAP contract are determined by the independent entity approved by HUD. The LACDA must use the rent to owner established by the independent entity.

### **19.20.2 Redetermination of Rent to Owner**

**[24 CFR §983.302]**

The LACDA will only redetermine rent to the owner when the owner requests an increase at the annual anniversary of the HAP contract or when there is a 10% decrease in the published FMR. Notice of rent increase and other limitations on rent adjustments must conform to the above stated policies of this Plan.

If there is a decrease in rent due to a 10% decrease in the published FMR, the rent to owner must be decreased, whether or not the owner requested a rent adjustment.

The notice of rent adjustment from the LACDA constitutes an amendment of rent to owner specified in the HAP contract.

Rent reasonableness will be determined by a HUD-approved, independent entity for units owned by the LACDA. The entity will provide a copy of the determination to the LACDA and the HUD Los Angeles field office.

An owner's request for a rent increase must be submitted to the LACDA at least 60 days prior to the anniversary date of the HAP contract, and must include the new rent amount the owner is proposing. The LACDA will not approve and the owner may not receive any increase of rent to owner until and unless the owner has complied with all requirements of the HAP contract, including compliance with Housing Quality Standards. The owner may not receive any retroactive increase of rent for any period of noncompliance.

#### **19.20.3 Rent Determination for Projects with Other Subsidies** **[24 CFR §983.304]**

Rents may not exceed rent limits as established by the applicable federal program for units subsidized under the following programs:

1. HOME;
2. Insured or non-insured Section 236 project;
3. Formerly insured or non-insured Section 236 project that continues to receive Interest Reduction Payment following a decoupling action;
4. Section 221(d)(3) below market interest rate (BMIR) project;
5. Section 515 project of the Rural Housing Service;
6. Any other type of federally subsidized project specified by HUD.

The LACDA may set reasonable rents up to 110 percent of the HUD Fair Market Rent in projects receiving Low-Income Housing Tax Credits (LIHTC), even if the rent level exceeds the maximum rent under the LIHTC program.

The LACDA may, at its discretion include provisions in the HAP contract to reduce the initial amount of rent to the owner because of other governmental subsidies.

#### **19.20.4 Rent Control and Other Rent Limitations** **[24 CFR §983.305]**

**19.21 RENT CONTROL AND OTHER RENT LIMITATIONS UNDER LOCAL, STATE OR FEDERAL LAW WILL APPLY. PAYMENT TO OWNER**  
**[24 CFR §983.351]**

The LACDA will make HAP payments to the owner in accordance with the HAP contract for the months in which the contracted unit is leased to and occupied by an eligible family. Except for discretionary vacancy payments described in section 19.21.1 of this chapter, the LACDA will not make any payments for any month after the month in which the family moves out of the unit. In order to continue receiving HAP payments, the owner must comply with all provisions of the HAP contract, including HQS.

**19.21.1 Vacancy Payments**  
**[24 CFR §983.352]**

If a family moves out of a contract unit, the owner may keep the payment for the full calendar month in which the family moves out. The owner may not keep the payment if the LACDA determines that the vacancy is the owner's fault.

Subject to available funding, the LACDA may provide for vacancy payments to the owner not to exceed two months following move out. The vacancy payment may not exceed the amount of monthly rent under the assisted lease, minus any rent received by the owner, including any available amount from the tenant's security deposit.

Vacancy payments may only cover periods the unit is actually vacant.

The LACDA will only make vacancy payments to the owner if:

- The owner gives prompt, written notice to the LACDA certifying that the family vacated the unit, including the date the family moved out within 72 hours upon learning of the move out, and certifies:
  - The vacancy is not the fault of the owner and the unit was vacant during the period claimed;
  - The owner has taken every reasonable step to minimize the likelihood and length of the vacancy.

The owner must then submit a form requesting vacancy payments and provide the amount of the tenant's security deposit with any amount available to reimburse unpaid rent. The form must accompany receipts substantiating any damages the owner claims from the security deposit. The owner must certify on this form that no other payments were received for the unit during the period vacancy claimed.

**19.21.2 Other Charges and Fees**  
**[24 CFR §983.354]**

The owner may not require the family to pay charges for any meals or supportive services unless the project is an assisted living development, in which case owners may charge tenants, family members, or both for meals and supportive services. These charges may not be included in the rent to owner and may not be used to calculate rent reasonableness. Nonpayment of such charges is grounds for termination under the lease only in an assisted living development.

The owner may not charge tenants or family members extra amounts for items customarily included in the rent in Los Angeles County, or provided at no additional cost for unsubsidized tenants on the premises.

## **Chapter 20: EMERGENCY HOUSING VOUCHER PROGRAM**

### **20.1 INTRODUCTION**

#### **[PIH Notice 2021-15]**

On March 11, 2021, President Biden signed the American Rescue Plan, which appropriated \$5 billion for approximately 70,000 Emergency Housing Vouchers (EHVs). The U.S. Department of Housing and Urban Development (HUD) has allocated 1,964 EHVs to the LACDA and the program has been implemented commencing on July 1, 2021.

The EHV program is a tenant-based rental assistance program to assist qualifying families through direct referrals from the Coordinated Entry System (CES).

### **20.2 ELIGIBILITY**

#### **[PIH Notice 2021-15]**

In order to be eligible for an EHV, an individual or family must meet one of four eligibility categories:

1. Homeless
2. At risk of homelessness
3. Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking
4. Recently homeless and for whom providing rental assistance will prevent the return to homelessness and housing instability

The CES will be responsible for identifying and prioritizing referrals for the EHV program in accordance with a Memorandum of Understanding executed between the LACDA and the Los Angeles Homeless Services Authority (LAHSA) as the lead agency for the Continuum of Care (CoC). See Section 22.5 for the definitions of the eligible categories.

### **20.3 ALTERNATIVE REQUIREMENTS**

#### **[PIH Notice 2021-15]**

The EHV program will be administered in accordance with the Housing Choice Voucher (HCV) program policies outlined in this Administrative Plan, including any active waivers, except for the alternative requirements listed below:

#### **20.3.1 Referrals and Waiting List**

The LACDA must accept referrals from the CES and/or other partnering agencies when there is a shortage of CES referrals or the CES is not able to identify a category of eligibility. The LACDA shall maintain a separate waiting list for both initial lease-up and any turn-over vouchers.

### **20.3.2 Housing Search Requirement**

The LACDA must ensure that that housing search is made available to EHV applicants during their initial housing search. Housing search assistance may be provided directly by the LACDA or through LAHSA as the lead agency for the CoC or another partnering service provider.

### **20.3.3 Local Preferences**

Current HCV preferences do not apply to the EHV program, including the residency preference. No special preferences will be implemented for the EHV program and the LACDA will defer to the CES' prioritization of eligible populations for referrals.

### **20.3.4 Denial of Assistance**

HUD regulations require that the LACDA deny assistance on the EHV program in the following cases:

- Any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamines on the premises of federally assisted housing; and
- Any household member is subject to a lifetime registration requirement under a State sex offender registration

Other reasons for denial of assistance on the HCV program do not apply to the EHV program.

The LACDA must still deny admission to the program if any member of the family fails to sign and submit consent forms for obtaining information but should notify the family of the limited EHV grounds for denial of admission first.

### **20.3.5 Income Verification at Admission**

The LACDA may accept self-certification of income by way of a General Affidavit without first attempting higher levels of verification, and third-party documents may be older than 60 days from the date received.

The LACDA must review the EIV Income and Income Validation Tool (IVT) Reports to confirm/validate family-reported income within 90 days of the PIC submission date and resolve any income discrepancies within 60 days and in accordance with current policies.

### **20.3.6 Eligibility Determination: Verification of Other Requirements**

Verification of *eligible noncitizen status* and *Social Security Number* must be provided within **180 days** of admission in order to remain eligible for the program, unless the LACDA provides an extension based on evidence that the family has made a good-faith effort to obtain the documentation.

Additionally, the LACDA may accept self-certification of *date of birth* and *disability status* if a higher level of verification is not immediately available. However, the LACDA must obtain a higher level of verification within **90 days** of admission.

Submission of false information by the applicant, once verified, may result in termination from the program.

#### **20.3.7 Inapplicability of Income Targeting Requirements**

The HCV income targeting requirements do not apply to the EHV program.

#### **20.3.8 Use of Recently Conducted Income Determinations and Verifications**

The LACDA may accept income calculations and verifications from third-party providers such as another subsidized housing program in lieu of conducting an initial examination of income as long as the income was calculated in accordance with rules outlined at 24 CFR Part 5 and within the last six months and the family certifies there has been no change in income or family composition in the interim. The LACDA must review the EIV report to confirm/validate family-reported income within 90 days of the PIC submission date and resolve any income discrepancies in accordance with current policies.

#### **20.3.9 Pre-inspection of Units**

To expedite the leasing process, the LACDA may pre-inspect available units. If the voucher holder selects a unit that passed an HQS inspection within 45 days of the receipt date of the Request for Tenancy Approval, the unit may be approved as long as it meets all other conditions under § 982.305; however, the LACDA may not *require* any voucher holder to lease a unit that has a passed pre-inspection.

#### **20.3.10 Initial Lease Term**

The initial lease term for an EHV family may be less than 12 months.

#### **20.3.11 Portability**

The following exceptions to current portability regulations apply to EHV:

- *No prohibition on portability for non-resident applicants.* Non-resident applicants may immediately move under portability.
- *Portability billing and absorption.* A receiving PHA cannot refuse an incoming port, regardless of whether the PHA does or does not currently administer an EHV program. If the receiving PHA has an EHV program, it must absorb or bill depending on whether it has a vacant EHV. If the receiving PHA does not have an EHV program, the PHA may absorb with an HCV voucher or bill.
- *Family briefing/initial PHA and receiving PHA coordination of services.* The PHA must inform families how the port may affect their level of services and must make sure to coordinate with the receiving PHA regarding services being provided.

The LACDA has executed an interagency agreement with the Housing Authority of the City of Los Angeles (HACLA); therefore, EHV applicants may lease-up anywhere within the City of Los Angeles and an EHV applicant is not required to request portability.

#### **20.3.12 Payment Standards**

Payment Standards on the EHV program are set at 120% of the HUD published Fair Market Rents and will be adjusted annually if continued funding is available.

### **20.4 WAITING LIST**

The LACDA must maintain a separate waiting list for the EHV program and the current HCV preferences do not apply to the program. After September 30, 2023, no vacant EHV's will be reissued and any vacated vouchers will be removed from the program.

### **20.5 DEFINITIONS OF ELIGIBILITY**

#### **[24 CFR §578.3, PIH Notice 2021-15]**

*Homeless* is defined by the McKinney-Vento Homeless Assistance Act as follows:

(1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

(i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

(ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, State, or local government programs for low-income individuals); or

(iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;

(2) An individual or family who will imminently lose their primary nighttime residence, provided that:

(i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;

(ii) No subsequent residence has been identified; and

(iii) The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing;

(3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:

(i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

(ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;

(iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and

(iv) Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or

(4) Any individual or family who:

(i) Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;

(ii) Has no other residence; and

(iii) Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.

*At risk of homelessness* is defined by the McKinney-Vento Homeless Assistance Act as follows:

(1) An individual or family who:

(i) Has an annual income below 30 percent of median family income for the area, as determined by HUD;

(ii) Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the “Homeless” definition in this section; and

(iii) Meets one of the following conditions:

(A) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;

(B) Is living in the home of another because of economic hardship;

(C) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days of the date of application for assistance;

(D) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals;

(E) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons, or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;

(F) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or

(G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan;

(2) A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or

(3) A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

*Domestic violence* includes felony or misdemeanor crimes of violence committed by:

a. a current or former spouse or intimate partner of the victim (the term “spouse or intimate partner of the victim” includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the

relationship, and the frequency of interaction between the persons involved in the relationship),

b. a person with whom the victim shares a child in common,

c. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,

d. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or

e. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

*Dating violence* means violence committed by a person:

a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:

1. The length of the relationship;

2. The type of relationship; and

3. The frequency of interaction between the persons involved in the relationship.

*Sexual assault* means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(1) Fear for the person's individual safety or the safety of others; or

(2) Suffer substantial emotional distress.

*Human trafficking* includes both sex and labor trafficking, as outlined in the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7102). These are defined as:

Sex trafficking means the recruitment, harboring, transportation, provision,

obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of 21 age; (and)

Labor trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

*Recently homeless* is defined as individuals and families who have previously been

classified by a member agency of the CoC as homeless but are not currently homeless as a result of homeless assistance (financial assistance or services), temporary rental assistance or some type of other assistance, and where the CoC or its designee determines that the loss of such assistance would result in a return to homelessness or the family having a high risk of housing instability. Examples of households that may be defined as recently homeless by the CoC include, but are not limited to, participants in rapid rehousing, and permanent supportive housing.

## **Chapter 21:STABILITY VOUCHER PROGRAM**

### **21.1 INTRODUCTION**

[PIH NOTICE 2022-24]

The Consolidated Appropriations Act, 2021 (Public Law 116-260) (2021 Act), made available \$43,439,000 for new incremental voucher assistance under Section 8(o) of the United States Housing Act of 1937 for use by individuals and families experiencing or at-risk of homelessness; those fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking, and veterans and families that include a veteran family member that meet one of the proceeding criteria.

On August 16, 2022, HUD issued PIH Notice 2022-24, announcing approximately 4,000 new incremental vouchers nationwide for the new Stability Voucher (SV) program. On June 5, 2023, the LACDA received 288 SVs that will be paired with Continuum of Care supportive services funded by HUD's Office of Community Planning and Development.

The SV program is a tenant-based rental assistance program to assist qualifying families through direct referrals from the Coordinated Entry System (CES).

### **21.2 ELIGIBILITY**

[PIH NOTICE 2022-24]

To be eligible for an SV, an individual or family must meet one of four eligibility categories:

1. Individuals and families who are currently experiencing homelessness.
2. Individuals and families at risk of homelessness.
3. Individuals and families fleeing, or attempting to flee, domestic violence, dating violence, stalking, sexual assault.
4. Veterans and families that include a veteran family that meet one of the preceding criteria.

The CES will be responsible for identifying and prioritizing referrals for the SV program in accordance with a Memorandum of Understanding executed between the LACDA and the Los Angeles Homeless Services Authority (LAHSA) as the lead agency for the Continuum of Care (CoC). See Section 21.4 for the definitions of the eligible categories.

### **21.3 ALTERNATIVE REQUIREMENTS**

[PIH NOTICE 2022-24]

The SV program will be administered in accordance with the Housing Choice Voucher (HCV) program policies outlined in this Administrative Plan, including any active waivers, except for the alternative requirements listed below:

### **21.3.1 Direct Referrals**

The LACDA must accept direct referrals of eligible applicants from the CES in accordance with the MOU between the LACDA and LAHSA. Direct referrals for SVs are not added to the regular HCV waiting list.

If the CES does not identify a sufficient number of eligible applicants to lease-up the SV allocation or does not identify a sufficient number of eligible applicants who are fleeing, attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking, the LACDA may accept direct referrals from other agencies such as a Victim Services Provider.

### **21.3.2 Separate Waiting List**

The LACDA shall maintain a separate waiting list for SV referrals. Because the SV program relies on direct referrals from the CES, the LACDA is not required to provide public notice when opening or closing the SV waiting list.

### **21.3.3 Local Preferences**

Local preferences established by the LACDA for HCV admissions do not apply to SVs. Currently, the LACDA has not established alternative local preferences for SVs. If later the LACDA chooses to adopt alternative local preferences, the LACDA will not establish a residency preference for the SV program.

### **21.3.4 Denial of Admission**

HUD regulation requires that the LACDA deny assistance on the SV program in the following cases:

- Any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamines on the premises of federally assisted housing; and
- Any household member is subject to a lifetime registration requirement under a state sex offender registration.

Other reasons for denial of admission on the HCV program do not apply to the SV program.

In contrast to regular HCV admissions, the LACDA may not deny an applicant admission regardless of whether:

- Any member of the family has been evicted from federally assisted housing or the LACDA has ever terminated assistance under the program for any member of the family.
- The family currently owes rent or other monies to the LACDA, to another PHA or owner.
- The family would otherwise be prohibited admission under alcohol abuse standards.
- The LACDA determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity.

The LACDA will rely on accurate and reliable information when making the determination to deny admission and will not rely on an arrest record alone. Applicants denied admission can request for an informal review in accordance with Section 16.3 of this plan.

The LACDA must still deny admission to the program if any member of the family fails to sign and submit consent forms for obtaining information but should notify the family of the limited SV grounds for denial of admission first.

#### **21.3.5 Verification of Income at Admission**

The LACDA may consider self-certification of income the highest level of verification at admission and is not required to obtain third-party verification when it is not immediately available.

Applicants must sign and submit a General Affidavit attesting to income, assets, expenses, and other factors which would affect an income eligibility determination.

Additionally, documents provided which represent the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of the request by the LACDA are accepted.

The LACDA must review the EIV Income and Income Validation Tool (IVT) Reports to confirm and validate family-reported income within 90 days of the submission date; print and maintain copies of the EIV Income and IVT Reports in the tenant file; and resolve any income discrepancy with the family within 60 days of the EIV Income or IVT Report dates.

If it is determined later that an ineligible participant has received housing assistance, the LACDA will start termination procedures.

### **21.3.6 Verification of Eligibility at Admission**

- Social Security Number and Immigration Status: The LACDA will admit applicants who are unable to provide the documentation to verify their SSN or eligible immigration status, but the information must be provided within 180 days of admission. The LACDA may grant an extension based on evidence from the family or confirmation from the CoC that the family made good-faith efforts to obtain the documentation.
- Date of Birth and Disability Status: The LACDA will accept self-certification of date of birth and disability status if the documentation is not immediately available. The LACDA must obtain a higher level of verification within 90 days of admission or verify the information in EIV.

### **21.3.7 Income Targeting Requirements**

The income targeting requirements on the HCV program do not apply to the SV program.

### **21.3.8 Use of Recently Conducted Income Determinations and Verifications**

The LACDA may accept income calculations and verifications from third-party providers or from an examination that the LACDA conducted on behalf of the family for another subsidized housing program in lieu of conducting an initial examination of income (at admission) as long as:

1. The income was calculated in accordance with rules outlined at 24 CFR Part 5 and within the last six months.
2. The family certifies there has been no change in income or family composition in the interim.

The LACDA must review the EIV Income and IVT Reports to confirm and validate family-reported income within 90 days of the submission date; print and maintain copies of the EIV Income and IVT Reports in the tenant file; and resolve any income discrepancy with the family within 60 days of the EIV Income or IVT Report dates.

### **21.3.9 Pre-Inspection of Units**

The LACDA may pre-inspect units available for SV applicants. An RTA must be received within 45 days of the date of the inspection. At no time may any SV applicant be required to lease a pre-inspected unit.

### **21.3.10 Initial Search Term**

The initial search term for an SV must be 120 days. Any requested extensions will be handled in accordance with regular HCV policies.

### **21.3.11 Initial Lease Term**

The initial lease term for a unit leased by an SV family may be less than 12 months regardless of whether the shorter term is a prevailing market practice.

### **21.3.12 Portability**

There is no prohibition on portability for non-resident applicants, therefore SV families may immediately move under portability.

A receiving PHA cannot refuse to assist an incoming SV family, regardless of whether the PHA does or does not administer SVs.

If an SV family moves under portability to another PHA that administers SVs:

- The receiving PHA may only absorb the incoming SV family with an SV (assuming it has a voucher available to do). If the PHA does not have an SV available to absorb the family, it must bill the initial PHA. The receiving PHA must allow the family to lease the unit with SV assistance and may not absorb the family with a regular HCV when the family leases the unit.
- Regardless of whether the receiving PHA absorbs or bills the initial PHA for the family's SV assistance, the SV administration of the voucher is in accordance with the receiving PHA's SV policies.

If the SV family moves under portability to another PHA that does not administer SVs, the receiving PHA may absorb the family into its regular HCV program or may bill the initial PHA.

If the portability move is in connection with the SV family's initial lease-up, the receiving PHA and the initial PHA must consult and coordinate on any services and assistance that will be made available to the family.

### **21.3.13 Payment Standards**

The LACDA may establish Payment Standards that are separate and different from the Payment Standards on other HCV programs. However, at no time may the SV Payment Standards be lower than the Payment Standards on other HCV programs.

The LACDA may set SV Payment Standards between 90 and 120% of the published FMRs for each unit size without prior HUD approval.

The LACDA may also adopt Payment Standards based on zip code even when not using Small Area FMRs. Payment Standards by zip code will also be set between 90 and 120% of the published Small Area FMRs for that zip code.

**21.3.14 Increase in Payment Standards Between Annual Reexaminations**

An increase in Payment Standards may be applied during an Interim Reexamination for a tenant reported change in income or an owner requested rent increase.

**21.4 DEFINITIONS OF ELIGIBILITY**

[24 CFR §578.3, PIH Notice 2022-24]

Homeless is defined by the McKinney-Vento Homeless Assistance Act as follows:

- (1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
  - (i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
  - (ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, State, or local government programs for low-income individuals); or
  - (iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;
- (2) An individual or family who will imminently lose their primary nighttime residence, provided that:
  - (i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
  - (ii) No subsequent residence has been identified; and
  - (iii) The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing;
- (3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
  - (i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);
  - (ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
  - (iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and

- (iv) Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or
- (4) Any individual or family who:
  - (i) Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;
  - (ii) Has no other residence; and
  - (iii) Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.

HUD is clarifying that persons who are fleeing or attempting to flee human trafficking qualify as homeless under paragraph (4) of the homeless definition at 24 CFR 578.3. HUD considers human trafficking, including labor and sex trafficking, to be "other dangerous or life-threatening conditions that relate to violence against the individual or family member" under paragraph (4) of the definition of homeless at 24 CFR 578.3. HUD will consider an individual or family as homeless under paragraph 4 of the homeless definition under the following circumstances where an individual or family:

- (1) Is experiencing trauma or a lack of safety related to, or fleeing or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous, traumatic, or life-threatening conditions related to the violence against the individual or a family member in the individual's or family's current housing situation, including where the health and safety of children are jeopardized;
- (2) Has no other safe residence; and
- (3) Lacks the resources to obtain other safe permanent housing.

At risk of homelessness is defined by the McKinney-Vento Homeless Assistance Act as follows:

- (1) An individual or family who:
  - (i) Has an annual income below 30 percent of median family income for the area, as determined by HUD;
  - (ii) Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the "Homeless" definition in this section; and
  - (iii) Meets one of the following conditions:
    - a. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
    - b. Is living in the home of another because of economic hardship;

- c. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days of the date of application for assistance;
  - d. Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals;
  - e. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons, or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;
  - f. Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or
  - g. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan;
- (2) A child or youth who does not qualify as "homeless" under this section, but qualifies as "homeless" under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or
- (3) A child or youth who does not qualify as "homeless" under this section, but qualifies as "homeless" under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

*Dating violence* means violence committed by a person:

- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - 1. The length of the relationship;
  - 2. The type of relationship; and
  - 3. The frequency of interaction between the persons involved in the relationship.

*Domestic violence* includes felony or misdemeanor crimes of violence committed by:

- a. A current or former spouse or intimate partner of the victim (the term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship),
- b. A person with whom the victim shares a child in common,

- c. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- d. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or
- e. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Economic Abuse is the term 'economic abuse', in the context of domestic violence, dating violence, and abuse in later life, means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to:

- a. Restrict a person's access to money, assets, credit, or financial information;
- b. Unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or
- c. Exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

Fleeing or attempting to flee domestic violence, dating violence, sexual assault, or stalking means any individual or family who is:

- a. Experiencing trauma or a lack of safety related to, or fleeing or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous, traumatic, or life-threatening conditions related to the violence against the individual or a family member in the individual's or family's current housing situation, including where the health and safety of children are jeopardized;
- b. Has no other safe residence; and
- c. Lacks the resources to obtain other safe permanent housing.

Sexual assault means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the survivor lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- 1. Fear for the person's individual safety or the safety of others; or
- 2. Suffer substantial emotional distress.

Technological Abuse means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms,

computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

## **Appendix A: NSPIRE INSPECTION STANDARDS**

## DEFINITIONS OF TERMS USED IN STANDARDS

The following definitions related to inspectable areas are used in the attached proposed standards:

<b>Unit</b>	A unit (or “dwelling unit”) of HUD housing refers to the interior components of an individual unit. Examples of components included in the interior of a unit may include the bathroom, call-for-aid (if applicable), carbon monoxide devices, ceiling, doors, electrical systems, enclosed patio, floors, HVAC (where individual units are provided), kitchen, lighting, outlets, smoke detectors, stairs, switches, walls, water heater, and windows.
<b>Inside</b>	Inside of HUD housing (or “inside areas”) refers to the common areas and building systems that can be generally found within the building interior and are not inside a unit. Examples of “inside” common areas may include, basements, interior or attached garages, enclosed carports, restrooms, closets, utility rooms, mechanical rooms, community rooms, day care rooms, halls, corridors, stairs, shared kitchens, laundry rooms, offices, enclosed porches, enclosed patios, enclosed balconies, and trash collection areas. Examples of building systems include those components that provide domestic water, electricity, elevators, emergency power, fire protection, HVAC, and sanitary services.
<b>Outside</b>	Outside of HUD housing (or “outside areas”) refers to the building site, building exterior components, and any building systems located outside of the building or unit. Examples of “outside” components may include fencing, retaining walls, grounds, lighting, mailboxes, project signs, parking lots, detached garage or carport, driveways, play areas and equipment, refuse disposal, roads, storm drainage, non-dwelling buildings, and walkways. Components found on the exterior of the building are also considered outside areas, and examples may include doors, attached porches, attached patios, balconies, car ports, fire escapes, foundations, lighting, roofs, walls, and windows.

The following definitions related to health and safety are used in the attached proposed standards:

<b>Life-Threatening</b>	The Life-Threatening category includes deficiencies that, if evident in the home or on the property, present a high risk of death to a resident.
<b>Severe</b>	The Severe category includes deficiencies that, if evident in the home or on the property, present a high risk of permanent disability, or serious injury or illness, to a resident; or the physical security or safety of a resident or their property would be seriously compromised.
<b>Moderate</b>	The Moderate Health and Safety category includes deficiencies that, if evident in the home or on the property, present a moderate risk of an adverse medical event requiring a healthcare visit; cause temporary harm; or if left untreated, cause or worsen a chronic condition that may have long-lasting adverse health effects; or that the physical security or safety of a resident or their property could be compromised.
<b>Low</b>	Deficiencies critical to habitability but not presenting a substantive health or safety risk to resident.

**TABLE 1—ADDRESS AND SIGNAGE STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	Unique number and name identifiers assigned to property.
<b>Location</b>	Outside: Near building entrances (either above or alongside the entrance or on a nearby post) and road entrances where the property's private road meets a public road.
<b>Deficiency 1 – Address and Signage: Outside</b>	
<b>Deficiency</b>	Address, signage, or building identification codes are broken, illegible, or not visible.
<b>Deficiency Criteria</b>	Address or building identification codes are broken, illegible, or not visible.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If address, signage, or building identification codes are broken, illegible, or not visible, and there is an emergency, then first responders may be delayed if they are unable to efficiently locate the property.</p> <p>If address, signage, or building identification codes are broken, illegible, or not visible, then it is likely that routine or daily maintenance activities are not being addressed.</p>

**TABLE 2—BATHTUB AND SHOWER STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	Fixtures typically found in bathrooms that dispense clean water used for bathing and self-care which also contain a method for draining used water.
<b>Location</b>	Unit: Bathroom  Inside: Bathroom
<b>Deficiency 1 – Bathtub and Shower: Unit</b>	
<b>Deficiency</b>	Only 1 bathtub or shower is present and it is inoperable or does not drain.
<b>Deficiency Criteria</b>	Only 1 bathtub or shower is present within the unit and it is inoperable (i.e., overall system is not meeting function or purpose, with or without visible

	damage) or standing water is present such that the inspector believes water is unable to drain.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If only 1 bathtub or shower is present within the Unit and it is inoperable or standing water is present such that the inspector believes water is unable to drain, then the resident's ability to maintain hygienic practices is limited, which may result in an increased risk of illness from infectious disease.</p> <p>If only 1 bathtub or shower is present within the Unit and it is inoperable or standing water is present such that the inspector believes water is unable to drain, then the resident may not be able to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice if only 1 bathtub or shower is present within the Unit and it is inoperable or standing water is present, and to recognize it is important enough to report it to property management because it may present sanitary hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in sanitary hazards.</p>
<b>Deficiency 1 – Bathtub and Shower: Inside</b>	
<b>Deficiency</b>	Only 1 bathtub or shower is present and it is inoperable or does not drain.
<b>Deficiency Criteria</b>	Only 1 bathtub or shower is present within the Inside and it is inoperable (i.e., overall system is not meeting function or purpose, with or without visible damage) or standing water is present such that the inspector believes water is unable to drain.
<b>Health and Safety determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass

<b>Rationale</b>	<p>If only 1 bathtub or shower is present within the Inside and it is inoperable or standing water is present such that the inspector believes water is unable to drain, then the resident may not be able to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify if there is only 1 bathtub or shower present within the Inside and it is inoperable or standing water is present such that the inspector believes water is unable to drain. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in usability barriers.</p>
<b>Deficiency 2 – Bathtub and Shower: Unit</b>	
<b>Deficiency</b>	A bathtub or shower is inoperable or does not drain and at least 1 bathtub or shower is present elsewhere that is operational.
<b>Deficiency Criteria</b>	A bathtub or shower is inoperable (i.e., overall system is not meeting function or purpose, with or without visible damage) or standing water is present such that the inspector believes water is unable to drain and at least 1 bathtub or shower is present elsewhere within the Unit that is operational.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a bathtub or shower is inoperable or standing water is present such that the inspector believes water is unable to drain and at least 1 bathtub or shower is present elsewhere within the Unit that is operational, then the resident's ability to maintain hygienic practices is limited, which may result in an increased risk of illness from infectious disease.</p> <p>If a bathtub or shower is inoperable or standing water is present such that the inspector believes water is unable to drain and at least 1 bathtub or shower is present elsewhere within the Unit that is operational, then the resident may not be able to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>If there are multiple bathtubs or showers present with the Unit, the resident is likely to notice if one is inoperable or has standing water and to recognize it is important enough to report it to property management because it may present sanitary hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in sanitary hazards.</p>

**Deficiency 2 – Bathtub and Shower: Inside**

<b>Deficiency</b>	A bathtub or shower is inoperable or does not drain and at least 1 bathtub or shower is present elsewhere that is operational.
<b>Deficiency Criteria</b>	A bathtub or shower is inoperable (i.e., overall system is not meeting function or purpose, with or without visible damage) or standing water is present such that the inspector believes water is unable to drain and at least 1 bathtub or shower is present elsewhere within the Inside that is operational.
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	<p>If a bathtub or shower is inoperable or standing water is present such that the inspector believes water is unable to drain and at least 1 bathtub or shower is present elsewhere within the Inside that is operational, then the resident may not be able to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify if there are multiple bathtubs or showers present within the Inside and one is inoperable or has standing water present such that the inspector believes water is unable to drain. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in usability barriers.</p>

### Deficiency 3 – Bathtub and Shower: Unit

<b>Deficiency</b>	Bathtub component or shower component is damaged, inoperable, or missing such that it may limit the resident's ability to maintain personal hygiene.
<b>Deficiency Criteria</b>	<p>Bathtub component or shower component is damaged (i.e., visibly defective; impacts functionality) such that it may limit the resident's ability to maintain personal hygiene.</p> <p>OR</p> <p>Bathtub component or shower component is inoperable (i.e., component is not meeting function or purpose, with or without visible damage) such that it may limit the resident's ability to maintain personal hygiene.</p> <p>OR</p>

	Bathtub component or shower component is missing (i.e., evidence of prior installation, but is now not present or is incomplete) such that it may limit the resident's ability to maintain personal hygiene.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a bathtub component or shower component is damaged, inoperable, or missing such that it may limit the resident's ability to maintain personal hygiene, then the resident may be at an increased risk of illness from infectious disease.</p> <p>If a bathtub component or shower component is damaged, inoperable, or missing such that it may limit the resident's ability to maintain personal hygiene, then the resident may not be able to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>If a bathtub component or shower component is damaged, inoperable, or missing such that it may limit the resident's ability to maintain personal hygiene, then the resident is likely to notice this and to recognize it is important enough to report it to property management because it may present sanitary hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in sanitary hazards.</p>

### Deficiency 3 – Bathtub and Shower: Inside

<b>Deficiency</b>	Bathtub component or shower component is damaged, inoperable, or missing such that it may limit the resident's ability to maintain personal hygiene.
<b>Deficiency Criteria</b>	<p>Bathtub component or shower component is damaged (i.e., visibly defective; impacts functionality) such that it may limit the resident's ability to maintain personal hygiene.</p> <p>OR</p> <p>Bathtub component or shower component is inoperable (i.e., component is not meeting function or purpose, with or without visible damage) such that it may limit the resident's ability to maintain personal hygiene.</p> <p>OR</p> <p>Bathtub component or shower component is missing (i.e., evidence of prior installation, but is now not present or is incomplete) such that it may limit the resident's ability to maintain personal hygiene.</p>

<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	<p>If a bathtub component or shower component is damaged, inoperable, or missing such that it may limit the resident's ability to maintain personal hygiene, then the resident may not be able to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify a bathtub component or shower component that is damaged, inoperable, or missing such that it may not provide a sanitary area to maintain personal hygiene. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in sanitary hazards or usability barriers.</p>

#### **Deficiency 4 – Bathtub and Shower: Unit**

<b>Deficiency</b>	Bathtub component or shower component is damaged, inoperable, or missing and it does not limit the resident's ability to maintain personal hygiene.
<b>Deficiency Criteria</b>	<p>Bathtub component or shower component is damaged (i.e., visibly defective; impacts functionality) and it does not limit the resident's ability to maintain personal hygiene.</p> <p>OR</p> <p>Bathtub component or shower component is inoperable (i.e., component is not meeting function or purpose, with or without visible damage) and it does not limit the resident's ability to maintain personal hygiene.</p> <p>OR</p> <p>Bathtub component or shower component is missing (i.e., evidence of prior installation, but is now not present or is incomplete) and it does not limit the resident's ability to maintain personal hygiene.</p>
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass

<b>Rationale</b>	<p>If the resident's ability to maintain personal hygiene is not limited, but a bathtub component or shower component is damaged, inoperable, or missing, then the resident's ability to fully utilize an aspect of the fixture may be reduced.</p> <p>If a bathtub component or shower component is damaged, inoperable, or missing and it does not limit the resident's ability to maintain personal hygiene, then the resident may notice this and report it to property management. Property management may be expected to prioritize a work order to remedy this deficiency because it may result in the resident's limited ability to fully utilize an aspect of the fixture.</p>
<b>Deficiency 5 – Bathtub and Shower: Unit</b>	
<b>Deficiency</b>	Bathtub or shower cannot be used in private.
<b>Deficiency Criteria</b>	Bathtub or shower cannot be used in private.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	If a bathtub or shower cannot be used in private, then the resident's reasonable expectation of privacy within their unit is not being met.
<b>Deficiency 5 – Bathtub and Shower: Inside</b>	
<b>Deficiency</b>	Bathtub or shower cannot be used in private.
<b>Deficiency Criteria</b>	Bathtub or shower cannot be used in private.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	If a bathtub or shower cannot be used in private, then the resident's reasonable expectation of privacy is not being met.

**TABLE 3—CABINET AND STORAGE STANDARD**

<b>Definition and Location</b>
--------------------------------

<b>Definition</b>	Dedicated space for food, goods, or other items. -
<b>Location</b>	Unit: Kitchens, bathroom, laundry Inside: Kitchens, bathroom, laundry
<b>Deficiency 1 – Cabinet and Storage: Unit</b>	
<b>Affirmative Habitability Requirement: Yes</b>	
<b>Deficiency</b>	Food storage space is not present.
<b>Deficiency Criteria</b>	Food storage space is not present.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If food storage space is not present, then food may be contaminated, and the resident may become ill if they consume the contaminated food.</p> <p>If food storage space is not present, then the resident may be unable to use a feature that is expected to be included and maintained in their rent.</p>
<b>Deficiency 2 – Cabinet and Storage: Unit</b>	
<b>Deficiency</b>	Storage component is damaged, inoperable, or missing.
<b>Deficiency Criteria</b>	<p>50% or more of the kitchen, bath, or laundry cabinet, drawers, or shelves are damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>50% or more of the kitchen, bath, or laundry cabinet, drawers, or shelves are inoperable (i.e., overall system or component thereof not meeting function or purpose; with or without visible damage).</p> <p>OR</p> <p>50% or more of the kitchen, bath, or laundry cabinet, drawers, or shelves are missing (i.e., evidence of prior installation, but now not present or is incomplete).</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If a storage component is damaged, inoperable, or missing, then the resident may not have sufficient ability to store food, dishes, personal or cleaning items in a safe and sanitary manner.</p> <p>If a storage component is damaged, inoperable, or missing, then the resident may be unable to use a feature that is expected to be included and maintained as part of their rent.</p> <p>A resident is likely to notice if a storage component is damaged, inoperable, or missing and to recognize it is important enough to report it to property management because it may present safety hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards or usability barriers.</p>
<b>Deficiency 2 – Cabinet and Storage: Inside</b>	
<b>Deficiency</b>	Storage component is damaged, inoperable, or missing.
<b>Deficiency Criteria</b>	<p>50% or more of the kitchen, bath, or laundry cabinet, drawers, or shelves are damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>50% or more of the kitchen, bath, or laundry cabinet, drawers, or shelves are inoperable (i.e., overall system or component thereof not meeting function or purpose; with or without visible damage).</p> <p>OR</p> <p>50% or more of the kitchen, bath, or laundry cabinet, drawers, or shelves are missing (i.e., evidence of prior installation, but now not present or is incomplete).</p>
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	<p>If a storage component is damaged, inoperable, or missing, then the resident may be unable to use a feature that is expected to be included and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a storage component is damaged, inoperable, or missing. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards or usability barriers.</p>

**TABLE 4—CALL-FOR-AID SYSTEM STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A call system used by a resident to summon aid during a medical emergency.
<b>Location</b>	Unit: Bathroom, bedroom, hallway  Inside: Common area, including bathroom and hallway
<b>Deficiency 1 – Call-for-Aid System: Unit</b>	
<b>Deficiency</b>	System is blocked, or pull cord is higher than 6 inches off the floor.
<b>Deficiency Criteria</b>	System is blocked.  OR  Pull cord end is higher than 6 inches off the floor.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the system is blocked or the pull cord end is higher than 6 inches off the floor, and the resident is unable to reach the cord, they may not have access to medical care as their ability to alert emergency services is impacted.</p> <p>If a pull cord is missing or the end is higher than 6 inches off the floor, then the resident may not be able to fully use the device, which is assumed to be maintained as part of their rent.</p> <p>If a pull cord is missing or the end is higher than 6 inches off the floor, then it is likely the resident will report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p>
<b>Deficiency 1 – Call-for-Aid System: Inside</b>	
<b>Deficiency</b>	System is blocked, or pull cord is higher than 6 inches off the floor.
<b>Deficiency Criteria</b>	System is blocked.  OR  Pull cord end is higher than 6 inches off the floor.

<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the system is blocked or the pull cord end is higher than 6 inches off the floor, and the resident is unable to reach the cord, they may not have access to medical care as their ability to alert emergency services is impacted.</p> <p>If a pull cord is missing or the end is higher than 6 inches off the floor, then the resident may not be able to fully use the device, which is assumed to be maintained as part of their rent.</p> <p>If a pull cord is missing or the end is higher than 6 inches off the floor, then this will likely be observed during routine maintenance activities, and the presence of this deficiency may indicate self-generated work orders are not being addressed.</p>

#### **Deficiency 2 – Call-for-Aid System: Unit**

<b>Deficiency</b>	System does not function properly.
<b>Deficiency Criteria</b>	<p>A call-for-aid system does not emit sound or light or send a signal to the annunciator.</p> <p>OR</p> <p>The annunciator does not indicate the correct corresponding room.</p> <p>OR</p> <p>Pull cord is missing.</p> <p>OR</p> <p>Pull cord is tied up such that it cannot be engaged.</p>
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If a call-for-aid system does not function properly, then the resident may not have access to medical care as their ability to alert emergency services is impacted.</p> <p>If a call-for-aid system does not function properly, then the resident may not be able to fully use a feature that is expected to be maintained as part of their rent.</p> <p>If a call-for-aid system does not function properly, then the resident will likely report the deficiency, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p>
<b>Deficiency 2 – Call-for-Aid System: Inside</b>	
<b>Deficiency</b>	System does not function properly.
<b>Deficiency Criteria</b>	<p>A call-for-aid system does not emit sound or light or send a signal to the annunciator.</p> <p>OR</p> <p>The annunciator does not indicate the correct corresponding room.</p> <p>OR</p> <p>Pull cord is missing.</p> <p>OR</p> <p>Pull cord is tied up such that it cannot be engaged.</p>
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a call-for-aid system does not function properly, then the resident may not have access to medical care as their ability to alert emergency services is impacted.</p> <p>If a call-for-aid system does not function properly, then the resident may not be able to fully use a feature that is expected to be maintained as part of their rent.</p> <p>If a call-for-aid system does not function properly, then this will likely be observed during routine maintenance activities, and the presence of this deficiency may indicate self-generated work orders are not being addressed.</p>

**TABLE 5—CARBON MONOXIDE ALARM STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A single or multiple station alarm intended to detect carbon monoxide gas and alert occupants by a distinct audible signal, or if the unit is occupied by a person with a hearing impairment, a distinct visual alarm or combination of audible and visual alarms. It incorporates a sensor, control components and an alarm notification appliance in a single unit.
<b>Location</b>	Unit: Where required as described in the Deficiency Criteria  Inside: Where required as described in the Deficiency Criteria
<b>Deficiency 1 – Carbon Monoxide Alarm: Unit Affirmative Habitability Requirement: Yes</b>	
<b>Deficiency</b>	Carbon monoxide alarm is missing, not installed, or not installed in a proper location.
<b>Deficiency Criteria</b>	<p>One (1) or more of the following scenarios exists:</p> <ol style="list-style-type: none"> <li>1. Unit contains a fuel-burning appliance or fuel-burning fireplace, and a carbon monoxide alarm is not installed: <ol style="list-style-type: none"> <li>a. in the immediate vicinity of each bedroom.</li> <li>OR</li> <li>b. within each bedroom.</li> </ol> </li> <li>2. Bedroom or bathroom attached to bedroom: <ol style="list-style-type: none"> <li>a. contains a fuel-burning appliance or fuel-burning fireplace.</li> <li>OR</li> <li>b. has adjacent spaces from which byproducts of combustion gases can flow.</li> <li>AND</li> <li>c. Carbon monoxide alarm is not installed in each bedroom.</li> </ol> </li> <li>3. Unit or bedroom is served by a forced-air furnace that is located elsewhere and a carbon monoxide alarm is not installed: <ol style="list-style-type: none"> <li>a. in the immediate vicinity of each bedroom.</li> <li>OR</li> <li>b. within each bedroom.</li> <li>OR</li> <li>c. within the room or area with the first duct register and the carbon monoxide alarm signals are automatically transmitted to an approved location.</li> </ol> </li> <li>4. Unit or bedroom is located in a building that contains a fuel-burning appliance or fuel-burning fireplace and: <ol style="list-style-type: none"> <li>a. a carbon monoxide alarm is not installed in an approved location between the fuel-burning appliance or fuel-burning fireplace and the Unit or bedroom.</li> <li>OR</li> </ol> </li> </ol>

- b. a carbon monoxide alarm is not installed on the ceiling of the room containing the fuel-burning appliance or fuel-burning fireplace.
    - OR
    - c. the Unit or bedroom has communicated openings to the fuel-burning appliance or fuel-burning fireplace and a carbon monoxide alarm is not installed:
      - i. in the immediate vicinity of each bedroom.
      - OR
      - ii. within each bedroom.
- 5. Unit or bedroom is located one (1) story or less above or below an attached private garage that:
  - a. does not have natural ventilation.
  - OR
  - b. is enclosed and does not have a ventilation system for vehicle exhaust.
  - AND
  - c. Carbon monoxide alarm is not installed:
    - i. in the immediate vicinity of each bedroom.
    - OR
    - ii. within each bedroom.

<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a carbon monoxide alarm is missing, not installed, or not installed in a proper location in the unit or the inside area that provides protection for the unit and there is an elevated level of carbon monoxide in the Unit, then the health of the resident may be at risk due to potential carbon monoxide poisoning.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a carbon monoxide alarm is missing, not installed, or not installed in a proper location. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may lead to health hazards.</p>
<b>Deficiency 2 – Carbon Monoxide Alarm: Unit</b>	
<b>Deficiency</b>	Carbon monoxide alarm is obstructed.
<b>Deficiency Criteria</b>	Carbon monoxide alarm is obstructed.

<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a carbon monoxide alarm is obstructed and there is a carbon monoxide leak, then the resident's health may be at risk.</p> <p>If a carbon monoxide alarm is obstructed and there is a carbon monoxide leak, then the resident may not be alerted.</p> <p>If a carbon monoxide alarm is obstructed, then the resident may not be able to use a feature that is expected to be provided and maintained as part of the rent.</p> <p>If a carbon monoxide alarm is obstructed, then this will likely be observed during routine maintenance activities and the presence of this deficiency may indicate self-generated work orders are not being addressed.</p>

#### **Deficiency 2 – Carbon Monoxide Alarm: Inside**

<b>Deficiency</b>	Carbon monoxide alarm is obstructed.
<b>Deficiency Criteria</b>	Carbon monoxide alarm is obstructed.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a carbon monoxide alarm is obstructed and there is a carbon monoxide leak, then the resident's health may be at risk.</p> <p>If a carbon monoxide alarm is obstructed, then this will likely be observed during routine maintenance activities and the presence of this deficiency may indicate self-generated work orders are not being addressed.</p>

#### **Deficiency 3 – Carbon Monoxide Alarm: Unit**

<b>Deficiency</b>	Carbon monoxide alarm does not produce an audio or visual alarm when tested.
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<b>Deficiency Criteria</b>	Carbon monoxide alarm does not produce audio or visual alarm when tested.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a carbon monoxide alarm does not produce an audio or visual alarm, and there is carbon monoxide leak, then the health and safety of the resident could be at risk as they may not be alerted.</p> <p>If a carbon monoxide alarm does not produce an audio or visual alarm, then this will likely be observed during routine maintenance activities, and the presence of this deficiency may indicate self-generated work orders are not being addressed, as carbon monoxide alarms should be tested monthly and batteries changed yearly.</p>

#### **Deficiency 3 – Carbon Monoxide Alarm: Inside**

<b>Deficiency</b>	Carbon monoxide alarm does not produce audio or visual alarm when tested.
<b>Deficiency Criteria</b>	Carbon monoxide alarm does not produce an audio or visual alarm when tested.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a carbon monoxide alarm does not produce an audio or visual alarm, and there is carbon monoxide leak, then the health and safety of the resident could be at risk as they may not be alerted.</p> <p>If a carbon monoxide alarm does not produce an audio or visual alarm, then this will likely be observed during routine maintenance activities, and the presence of this deficiency may indicate self-generated work orders are not being addressed, as carbon monoxide alarms should be tested monthly and batteries changed yearly.</p>

TABLE 6—CEILING STANDARD

Definition and Location	
<b>Definition</b>	The upper interior surface of a room that provides separation between rooms, spaces, and floors.
<b>Location</b>	Unit: Upper interior surface of room  Inside: Upper interior surface of room
Deficiency 1 – Ceiling: Unit	
<b>Deficiency</b>	Ceiling has an unstable surface.
<b>Deficiency Criteria</b>	Ceiling has an unstable surface.  OR  There is cracking or small circles or blisters (e.g., nail pops) on the ceiling (which are a sign the plasterboard sheeting may be pulling away from the nails or screws).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	If the ceiling has an unstable surface, then the resident could be injured by falling debris.  If the ceiling has an unstable surface, then a feature of the home that is expected to be provided and maintained as part of the resident's rent may be jeopardized.  If the ceiling has an unstable surface, then it is likely the resident will report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.
Deficiency 1 – Ceiling: Inside	
<b>Deficiency</b>	Ceiling has an unstable surface.
<b>Deficiency Criteria</b>	Ceiling has an unstable surface.  OR

	There is cracking or small circles or blisters (e.g., nail pops) on the ceiling (which are a sign the plasterboard sheeting may be pulling away from the nails or screws).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the ceiling has an unstable surface, then the resident could be injured by falling debris.</p> <p>If the ceiling has an unstable surface, then a feature of the home that is expected to be provided and maintained as part of the resident's rent may be jeopardized.</p> <p>If the ceiling has an unstable surface, then it is likely the resident will report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p>

#### Deficiency 2 – Ceiling: Unit

<b>Deficiency</b>	Ceiling has a hole.
<b>Deficiency Criteria</b>	<p>A hole is present that opens directly to the outside environment.</p> <p>OR</p> <p>A hole is present that is 2 inches or greater in diameter.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the ceiling has a hole, then the resident may be exposed to potentially harmful materials that may be in the space above the ceiling (e.g., weather, insulation, vermin).</p> <p>If the ceiling has hole, then it may compromise the fire stop and smoke stop properties of the ceiling. Openings (including those due to breaking, displacing, or removing ceiling tiles) can enable hot gases and smoke from a fire to rise and accumulate above detectors and sprinklers, which can delay</p>

their activation, enabling fires to rapidly grow larger before an alarm and response can occur. This has the potential to put the resident at increased risk in the event of a fire.

If the ceiling has a hole, then the resident is unable to fully rely on or use a feature that is expected to be provided and maintained as part of their rent.

If the ceiling has a hole, and the resident is responsible for utilities, then this may result in increased utility costs to the resident.

If the ceiling has a hole, then it is likely the resident will report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.

#### **Deficiency 2 – Ceiling: Inside**

<b>Deficiency</b>	Ceiling has a hole.
<b>Deficiency Criteria</b>	<p>A hole is present that opens directly to the outside environment.</p> <p>OR</p> <p>A hole is present that is 2 inches or greater in diameter.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the ceiling has a hole, then the resident may be exposed to potentially harmful materials that may be in the space above the ceiling (e.g., weather, insulation, vermin).</p> <p>If the ceiling has a hole, then it may compromise the fire stop and smoke stop properties of the ceiling. Openings (including those due to breaking, displacing, or removing ceiling tiles) can enable hot gases and smoke from a fire to rise and accumulate above detectors and sprinklers, which can delay their activation, enabling fires to rapidly grow larger before an alarm and response can occur. This has the potential to put the resident at increased risk in the event of a fire.</p> <p>If the ceiling has a hole, then the resident is unable to fully rely on or use a feature that is expected to be provided and maintained as part of their rent.</p> <p>If the ceiling has a hole, and the resident is responsible for utilities, then this may result in increased utility costs to the resident.</p>

If the ceiling has a hole, then it is likely the resident will report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.

### Deficiency 3 – Ceiling: Unit

<b>Deficiency</b>	Ceiling component(s) is not functionally adequate.
<b>Deficiency Criteria</b>	Ceiling component(s) is not functionally adequate (i.e., does not allow ceiling to enclose a room, protect shaft or circulation space, create enclosure of and separation between spaces, control the diffusion of light and sound around a room).
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a ceiling component(s) is not functionally adequate, then the resident could be injured by falling debris.</p> <p>If a ceiling component(s) is not functionally adequate, then the resident may be unable to fully rely on or use a feature that is expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice if a ceiling component(s) is not functionally adequate and to recognize it is important enough to report it to property management because it may present safety hazards. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards.</p>

### Deficiency 3 – Ceiling: Inside

<b>Deficiency</b>	Ceiling component(s) is not functionally adequate.
<b>Deficiency Criteria</b>	Ceiling component(s) is not functionally adequate (i.e., does not allow ceiling to enclose a room, protect shaft or circulation space, create enclosure of and separation between spaces, control the diffusion of light and sound around a room).
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours

<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a ceiling component(s) is not functionally adequate, then the resident could be injured by falling debris.</p> <p>If a ceiling component(s) is not functionally adequate, then the resident may be unable to fully rely on or use a feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a ceiling component(s) is not functionally adequate. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p>

**TABLE 7—CHIMNEY STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A vertical or near vertical passageway connected to a fireplace or wood-burning appliance.
<b>Location</b>	<p>Unit: Any enclosed, habitable space where a gas fireplace, wood-burning fireplace, or wood-burning appliance is located</p> <p>Inside: Any enclosed, shared space where a gas fireplace, wood-burning fireplace, or wood-burning appliance is located</p> <p>Outside: Any exterior, visually accessible component of a gas fireplace, wood-burning fireplace, or wood-burning appliance</p>
<b>Deficiency 1 – Chimney: Unit</b>	
<b>Deficiency</b>	A visually accessible chimney, flue, or firebox connected to a fireplace or wood-burning appliance is incomplete or damaged such that it may not safely contain fire and convey smoke and combustion gases to the exterior.
<b>Deficiency Criteria</b>	<p>A visually accessible (i.e., can be reasonably accessed and observed) chimney, flue, or firebox connected to a fireplace or wood-burning appliance is incomplete (i.e., evidence of a previously installed component that is now not present) such that it may not safely contain fire and convey smoke and combustion gases to the exterior.</p> <p>OR</p> <p>A visually accessible (i.e., can be reasonably accessed and observed) chimney, flue, or firebox connected to a fireplace or wood-burning</p>

	appliance is damaged (i.e., visibly defective; impacts functionality) such that it may not safely contain fire and convey smoke and combustion gases to the exterior.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a visually accessible chimney, flue, or firebox connected to a fireplace or wood-burning appliance is incomplete or damaged such that it may not safely contain fire and convey smoke and combustion gases to the exterior when used, then the resident may be at an increased risk of exposure to gases or smoke, which may result in respiratory issues or asphyxiation.</p> <p>If a visually accessible chimney, flue, or firebox connected to a fireplace or wood-burning appliance is incomplete or damaged such that it may not safely contain fire and convey smoke and combustion gases to the exterior when used, then there may be an increased safety risk to the resident of fire spread, which may result in injury or death.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a visually accessible chimney, flue, or firebox connected to a fireplace or wood-burning appliance is incomplete or damaged such that it may not safely contain fire and convey smoke and combustion gases to the exterior. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may lead to health and safety hazards.</p>

#### Deficiency 1 – Chimney: Inside

<b>Deficiency</b>	A visually accessible chimney, flue, or firebox connected to a fireplace or wood-burning appliance is incomplete or damaged such that it may not safely contain fire and convey smoke and combustion gases to the exterior.
<b>Deficiency Criteria</b>	<p>A visually accessible (i.e., can be reasonably accessed and observed) chimney, flue, or firebox connected to a fireplace or wood-burning appliance is incomplete (i.e., evidence of a previously installed component that is now not present) such that it may not safely contain fire and convey smoke and combustion gases to the exterior.</p> <p>OR</p> <p>A visually accessible (i.e., can be reasonably accessed and observed) chimney, flue, or firebox connected to a fireplace or wood-burning</p>

	appliance is damaged (i.e., visibly defective; impacts functionality) such that it may not safely contain fire and convey smoke and combustion gases to the exterior.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a visually accessible chimney, flue, or firebox connected to a fireplace or wood-burning appliance is incomplete or damaged such that it may not safely contain fire and convey smoke and combustion gases to the exterior when used, then the resident may be at an increased risk of exposure to gases or smoke, which may result in respiratory issues or asphyxiation.</p> <p>If a visually accessible chimney, flue, or firebox connected to a fireplace or wood-burning appliance is incomplete or damaged such that it may not safely contain fire and convey smoke and combustion gases to the exterior when used, then there may be an increased safety risk to the resident of fire spread, which may result in injury or death.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a visually accessible chimney, flue, or firebox connected to a fireplace or wood-burning appliance is incomplete or damaged such that it may not safely contain fire and convey smoke and combustion gases to the exterior. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may lead to health and safety hazards.</p>

#### Deficiency 1 – Chimney: Outside

<b>Deficiency</b>	A visually accessible chimney, flue, or firebox connected to a fireplace or wood-burning appliance is incomplete or damaged such that it may not safely contain fire and convey smoke and combustion gases to the exterior.
<b>Deficiency Criteria</b>	<p>A visually accessible (i.e., can be reasonably accessed and observed) chimney, flue, or firebox connected to a fireplace or wood-burning appliance is incomplete (i.e., evidence of a previously installed component that is now not present) such that it may not safely contain fire and convey smoke and combustion gases to the exterior.</p> <p>OR</p> <p>A visually accessible (i.e., can be reasonably accessed and observed) chimney, flue, or firebox connected to a fireplace or wood-burning</p>

	appliance is damaged (i.e., visibly defective; impacts functionality) such that it may not safely contain fire and convey smoke and combustion gases to the exterior.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a visually accessible chimney, flue, or firebox connected to a fireplace or wood-burning appliance is incomplete or damaged such that it may not safely contain fire and convey smoke and combustion gases to the exterior when used, then there may be an increased safety risk to the resident of fire spread, which may result in injury or death.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a visually accessible chimney, flue, or firebox connected to a fireplace or wood-burning appliance is incomplete or damaged such that it may not safely contain fire and convey smoke and combustion gases to the exterior. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may lead to health and safety hazards.</p>

#### **Deficiency 2 – Chimney: Outside**

<b>Deficiency</b>	Chimney exhibits signs of structural failure.
<b>Deficiency Criteria</b>	The chimney exhibits signs of structural failure such that the integrity of the chimney is jeopardized.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If the chimney exhibits signs of structural failure such that the integrity of the chimney is jeopardized, then there may be an increased safety risk to the resident due to falling debris, instability, or fire spread, which may result in injury or death.</p> <p>If the chimney exhibits signs of structural failure such that the integrity of the chimney is jeopardized, then the resident may not be able to safely use the fireplace or wood-burning appliance.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a chimney exhibits signs of structural failure such that the integrity of the chimney is jeopardized. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards or usability barriers.</p> <p>If the chimney exhibits signs of structural failure such that the integrity of the chimney is jeopardized, then the chimney may be unable to safely support its related components.</p>
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**TABLE 8—CLOTHES DRYER EXHAUST VENTILATION STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	The system connected to the clothes dryer vent outlet that exhausts air from the dryer blower to a designated area.
<b>Location</b>	Unit: Laundry room, washer and dryer area  Inside: Laundry room, washer and dryer area  Outside: Exterior vent cover
<b>Deficiency 1 – Clothes Dryer Exhaust Ventilation: Unit</b>	
<b>Deficiency</b>	Electric dryer transition duct is detached or missing.
<b>Deficiency Criteria</b>	Electric dryer transition duct is detached or missing (i.e., evidence of prior installation, but is now not present or is incomplete).
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If the electric dryer transition duct is detached or missing, this may increase interior moisture levels, which provides an environment favorable for mold growth and may trigger respiratory issues.</p> <p>If the electric dryer transition duct is detached or missing, and there is a fire within the appliance or dryer transition duct, the ducting cannot adequately contain the fire, and the resident may be at an increased risk of injury or death.</p> <p>If the electric dryer transition duct is detached or missing, then the resident may not be able to fully utilize features of an appliance.</p> <p>Property management would be expected to ensure that staff members understand how to identify an electric dryer transition duct that is detached or missing. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in health or safety hazards or usability barriers.</p>
<b>Deficiency 1 – Clothes Dryer Exhaust Ventilation: Inside</b>	
<b>Deficiency</b>	Electric dryer transition duct is detached or missing.
<b>Deficiency Criteria</b>	Electric dryer transition duct is detached or missing (i.e., evidence of prior installation, but is now not present or is incomplete).
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the electric dryer transition duct is detached or missing, this may increase interior moisture levels, which provides an environment favorable for mold growth and may trigger respiratory issues.</p> <p>If the electric dryer transition duct is detached or missing, and there is a fire within the appliance or dryer transition duct, the ducting cannot adequately contain the fire, and the resident may be at an increased risk of injury or death.</p> <p>If the electric dryer transition duct is detached or missing, then the resident may not be able to fully utilize features of an appliance.</p> <p>Property management would be expected to ensure that staff members understand how to identify an electric dryer transition duct that is detached or missing. Management practices would be expected to assure prompt</p>

creation and prioritization of a work order to remedy this deficiency, because it may result in health or safety hazards or usability barriers.

#### **Deficiency 2 – Clothes Dryer Exhaust Ventilation: Unit**

<b>Deficiency</b>	Gas dryer transition duct is detached or missing.
<b>Deficiency Criteria</b>	Gas dryer transition duct is detached or missing (i.e., evidence of prior installation, but is now not present or is incomplete).
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the gas dryer transition duct is detached or missing, then the resident may be at an increased risk of carbon monoxide exposure, which may cause respiratory issues or death due to carbon monoxide poisoning.</p> <p>If the gas dryer transition duct is detached or missing, and there is a fire within the appliance or dryer transition duct, the ducting cannot adequately contain the fire, and the resident may be at an increased risk of injury or death.</p> <p>If the gas dryer transition duct is detached or missing, then the resident may not be able to safely utilize features of an appliance.</p> <p>Property management would be expected to ensure that staff members understand how to identify a gas dryer transition duct that is detached or missing. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in health hazards or usability barriers.</p>

#### **Deficiency 2 – Clothes Dryer Exhaust Ventilation: Inside**

<b>Deficiency</b>	Gas dryer transition duct is detached or missing.
<b>Deficiency Criteria</b>	Gas dryer transition duct is detached or missing (i.e., evidence of prior installation, but is now not present or is incomplete).
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours

<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the gas dryer transition duct is detached or missing, then the resident may be at an increased risk of carbon monoxide exposure, which may cause respiratory issues or death due to carbon monoxide poisoning.</p> <p>If the gas dryer transition duct is detached or missing, and there is a fire within the appliance or dryer transition duct, the ducting cannot adequately contain the fire, and the resident may be at an increased risk of injury or death.</p> <p>If the gas dryer transition duct is detached or missing, then the resident may not be able to safely utilize features of an appliance.</p> <p>Property management would be expected to ensure that staff members understand how to identify a gas dryer transition duct that is detached or missing. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in health hazards or usability barriers.</p>
<b>Deficiency 3 – Clothes Dryer Exhaust Ventilation: Unit</b>	
<b>Deficiency</b>	Electric dryer exhaust ventilation system has restricted airflow.
<b>Deficiency Criteria</b>	Electric dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the electric dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted, this may increase interior moisture levels, which provides an environment favorable for mold growth and may trigger respiratory issues.</p> <p>If the electric dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted, and the clothes dryer achieves a high enough temperature due to the obstruction, there may be an increased safety risk to the resident of fire, which may result in injury or death.</p> <p>If the electric dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted, then the resident may not be able to fully utilize features of an appliance.</p>

A resident is likely to notice if the electric dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted within the unit and to recognize it is important enough to report it to property management because it may present usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in health or safety hazards.

### **Deficiency 3 – Clothes Dryer Exhaust Ventilation: Inside**

<b>Deficiency</b>	Electric dryer exhaust ventilation system has restricted airflow.
<b>Deficiency Criteria</b>	Electric dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the electric dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted, this may increase interior moisture levels, which provides an environment favorable for mold growth and may trigger respiratory issues.</p> <p>If the electric dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted, and the clothes dryer achieves a high enough temperature due to the obstruction, there may be an increased safety risk to the resident of fire, which may result in injury or death.</p> <p>If the electric dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted, then the resident may not be able to fully utilize features of an appliance.</p> <p>Property management would be expected to ensure that staff members understand how to identify an electric dryer exhaust ventilation system that is blocked or damaged such that airflow may be restricted. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in health or safety hazards or usability barriers.</p>

### **Deficiency 3 – Clothes Dryer Exhaust Ventilation: Outside**

<b>Deficiency</b>	Electric dryer exhaust ventilation system has restricted airflow.
<b>Deficiency Criteria</b>	Electric dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted.

<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the electric dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted, this may increase interior moisture levels, which provides an environment favorable for mold growth and may trigger respiratory issues.</p> <p>If the electric dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted, and the clothes dryer achieves a high enough temperature due to the obstruction, there may be an increased safety risk to the resident of fire, which may result in injury or death.</p> <p>If the electric dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted, then the resident may not be able to fully utilize features of an appliance.</p> <p>Property management would be expected to ensure that staff members understand how to identify an electric dryer exhaust ventilation system that is blocked or damaged such that airflow may be restricted. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in health or safety hazards or usability barriers.</p>

#### **Deficiency 4 – Clothes Dryer Exhaust Ventilation: Outside**

<b>Deficiency</b>	Exterior dryer vent cover, cap, or a component thereof is missing.
<b>Deficiency Criteria</b>	Exterior dryer vent cover, cap, or a component thereof is missing (i.e., evidence of prior installation, but now not present or is incomplete).
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass

<b>Rationale</b>	Property management would be expected to ensure that staff members understand how to identify an exterior dryer vent cover, cap, or a component thereof that is missing. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may allow pests to access the dryer ventilation system and build nests resulting in a blockage.
<b>Deficiency 5 – Clothes Dryer Exhaust Ventilation: Unit</b>	
<b>Deficiency</b>	Dryer transition duct is constructed of unsuitable material.
<b>Deficiency Criteria</b>	Dryer transition duct is not constructed of metal or an approved material.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the dryer transition duct is not constructed of metal or an approved material, and there is a fire within the appliance or dryer transition duct, the ducting cannot adequately contain the fire, and the resident may be at an increased risk of injury or death.</p> <p>Property management would be expected to ensure that staff members understand how to identify a dryer transition duct that is not constructed of metal or an approved material. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p>
<b>Deficiency 5 – Clothes Dryer Exhaust Ventilation: Inside</b>	
<b>Deficiency</b>	Dryer transition duct is constructed of unsuitable material.
<b>Deficiency Criteria</b>	Dryer transition duct is not constructed of metal or an approved material.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If the dryer transition duct is not constructed of metal or an approved material, and there is a fire within the appliance or dryer transition duct, the ducting cannot adequately contain the fire, and the resident may be at an increased risk of injury or death.</p> <p>Property management would be expected to ensure that staff members understand how to identify a dryer transition duct that is not constructed of metal or an approved material. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p>
<b>Deficiency 6 – Clothes Dryer Exhaust Ventilation: Unit</b>	
<b>Deficiency</b>	Gas dryer exhaust ventilation system has restricted airflow.
<b>Deficiency Criteria</b>	Gas dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the gas dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted, then the resident may be at an increased risk of carbon monoxide exposure, which may cause respiratory issues or death due to carbon monoxide poisoning.</p> <p>If the gas dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted, this may increase interior moisture levels, which provides an environment favorable for mold growth and may trigger respiratory issues.</p> <p>If the gas dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted, and the clothes dryer achieves a high enough temperature due to the obstruction, there may be an increased safety risk to the resident of fire, which may result in injury or death.</p> <p>If the gas dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted, then the resident may not be able to fully utilize features of an appliance.</p> <p>A resident is likely to notice if the gas dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted within the unit and to recognize it is important enough to report it to property management</p>

because it may present usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in health or safety hazards.

#### **Deficiency 6 – Clothes Dryer Exhaust Ventilation: Inside**

<b>Deficiency</b>	Gas dryer exhaust ventilation system has restricted airflow.
<b>Deficiency Criteria</b>	Gas dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the gas dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted, then the resident may be at an increased risk of carbon monoxide exposure, which may cause respiratory issues or death due to carbon monoxide poisoning.</p> <p>If the gas dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted, this may increase interior moisture levels, which provides an environment favorable for mold growth and may trigger respiratory issues.</p> <p>If the gas dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted, and the clothes dryer achieves a high enough temperature due to the obstruction, there may be an increased safety risk to the resident of fire, which may result in injury or death.</p> <p>If the gas dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted, then the resident may not be able to fully utilize features of an appliance.</p> <p>Property management would be expected to ensure that staff members understand how to identify a gas dryer exhaust ventilation system that is blocked or damaged such that airflow may be restricted. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in health or safety hazards or usability barriers.</p>

#### **Deficiency 6 – Clothes Dryer Exhaust Ventilation: Outside**

<b>Deficiency</b>	Gas dryer exhaust ventilation system has restricted airflow.
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<b>Deficiency Criteria</b>	Gas dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the gas dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted, then the resident may be at an increased risk of carbon monoxide exposure, which may cause respiratory issues or death due to carbon monoxide poisoning.</p> <p>If the gas dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted, this may increase interior moisture levels, which provides an environment favorable for mold growth and may trigger respiratory issues.</p> <p>If the gas dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted, and the clothes dryer achieves a high enough temperature due to the obstruction, there may be an increased safety risk to the resident of fire, which may result in injury or death.</p> <p>If the gas dryer exhaust ventilation system is blocked or damaged such that airflow may be restricted, then the resident may not be able to fully utilize features of an appliance.</p> <p>Property management would be expected to ensure that staff members understand how to identify a gas dryer exhaust ventilation system that is blocked or damaged such that airflow may be restricted. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in health or safety hazards or usability barriers.</p>

**TABLE 9—COOKING APPLIANCE STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	<p><u>Cooking range</u>: An electric or gas stove with several burners and one or more connected ovens.</p> <p><u>Cooktop</u>: Usually a standalone device that may be built into a counter and has one or more electric or gas burners.</p>

Oven: A thermally insulated chamber used for cooking, heating, and baking food.

Microwave: A small oven that heats food with electromagnetic radiation.

<b>Location</b>	Unit: Kitchen  Inside: Kitchen
<b>Deficiency 1 – Cooking Appliance: Unit</b>	
<b>Deficiency</b>	Cooking range, cooktop, or oven does not ignite or produce heat.
<b>Deficiency Criteria</b>	No burner on the cooking range or cooktop produces heat.  OR  The oven does not produce heat.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the cooking range, cooktop, or oven does not ignite or produce heat, then the resident may be unable to safely prepare food and may be exposed to foodborne germs that increase the risk of foodborne illness.</p> <p>If the cooking range, cooktop, or oven does not ignite or produce heat, then the resident may not be able to fully use an appliance that is expected to be provided and maintained as part of the rent.</p> <p>A resident is likely to notice if the cooking range, cooktop, or oven does not ignite or produce heat and recognize it is important enough to report it to property management because it may present health hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in health hazards or usability barriers.</p>
<b>Deficiency 1 – Cooking Appliance: Inside</b>	
<b>Deficiency</b>	Cooking range, cooktop, or oven does not ignite or produce heat.
<b>Deficiency Criteria</b>	No burner on the cooking range or cooktop produces heat.  OR  The oven does not produce heat.

<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	<p>If the cooking range, cooktop, or oven does not ignite or produce heat, then the resident may not be able to fully use an appliance that is expected to be provided and maintained as part of the rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify a cooking range, cooktop, or oven that does not ignite or produce heat. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in usability barriers.</p>
<b>Deficiency 2 – Cooking Appliance: Unit</b>	
<b>Deficiency</b>	Cooking range, cooktop, or oven component is damaged or missing such that the device is unsafe for use.
<b>Deficiency Criteria</b>	<p>Cooking range, cooktop, or oven component is damaged (i.e., visibly defective) such that the device is unsafe for use.</p> <p>OR</p> <p>Cooking range, cooktop, or oven component is missing (i.e., evidence of prior installation, but now not present or is incomplete) such that the device is unsafe for use.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a cooking range, cooktop, or oven component is damaged or missing such that the device is unsafe for use, then the resident may be at an increased risk of injury.</p> <p>If a cooking range, cooktop, or oven component is damaged or missing such that the device is unsafe for use, then the resident may not be able to fully</p>

use an appliance that is expected to be provided and maintained as part of the rent.

A resident is likely to notice if a cooking range, cooktop, or oven component is damaged or missing such that the device is unsafe for use and to recognize it is important enough to report it to property management because it may present safety hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards or usability barriers.

### **Deficiency 2 – Cooking Appliance: Inside**

<b>Deficiency</b>	Cooking range, cooktop, or oven component is damaged or missing such that the device is unsafe for use.
<b>Deficiency Criteria</b>	<p>Cooking range, cooktop, or oven component is damaged (i.e., visibly defective) such that the device is unsafe for use.</p> <p>OR</p> <p>Cooking range, cooktop, or oven component is missing (i.e., evidence of prior installation, but now not present or is incomplete) such that the device is unsafe for use.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a cooking range, cooktop, or oven component is damaged or missing such that the device is unsafe for use, then the resident may be at an increased risk of injury.</p> <p>If a cooking range, cooktop, or oven component is damaged or missing such that the device is unsafe for use, then the resident may not be able to fully use an appliance that is expected to be provided and maintained as part of the rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify a cooking range, cooktop, or oven component that is damaged or missing such that the device is unsafe for use.</p> <p>Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards or usability barriers.</p>

### **Deficiency 3 – Cooking Appliance: Unit**

**Affirmative Habitability Requirement: Yes**

<b>Deficiency</b>	Primary cooking appliance is missing.
<b>Deficiency Criteria</b>	Primary cooking appliance is missing (i.e., evidence of prior installation, but now not present or is incomplete).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the primary cooking appliance is missing, then the resident may be unable to safely prepare food and may be exposed to foodborne germs that increase the risk of foodborne illness.</p> <p>If the primary cooking appliance is missing, then the resident cannot use an appliance that is expected to be provided and maintained as part of the rent.</p> <p>A resident is likely to notice if the primary cooking appliance and to recognize it is important enough to report it to property management because it may present health hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in health hazards or usability barriers.</p>

#### Deficiency 4 – Cooking Appliance: Unit

<b>Deficiency</b>	A microwave is the primary cooking appliance and it is damaged.
<b>Deficiency Criteria</b>	A microwave is the primary cooking appliance and it is damaged (i.e., visibly defective; impacts functionality).
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	If a microwave is the primary cooking device and it is damaged, then the resident may be unable to safely prepare food and may be exposed to foodborne germs that increase the risk of foodborne illness.

If a microwave is the primary cooking device and it is damaged, then the resident may not be able to fully use an appliance that is expected to be provided and maintained as part of the rent.

A resident is likely to notice if a microwave is the primary cooking device and it is damaged and to recognize it is important enough to report it to property management because it may present health hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in health hazards or usability barriers.

#### **Deficiency 5 – Cooking Appliance: Unit**

<b>Deficiency</b>	A burner does not produce heat, but at least 1 other burner is present on the cooking range or cooktop and does produce heat.
<b>Deficiency Criteria</b>	A burner does not produce heat, but at least 1 other burner is present on the cooking range or cooktop and does produce heat.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a burner does not produce heat, but at least 1 other burner is present on the cooking range or cooktop and does produce heat, then there may be an increased safety risk to the resident.</p> <p>If a burner does not produce heat, but at least 1 other burner is present on the cooking range or cooktop and does produce heat, then the resident may not be able to fully use an appliance that is expected to be provided and maintained as part of the rent.</p> <p>A resident is likely to notice if a burner does not produce heat, but at least 1 other burner is present on the cooking range or cooktop and does produce heat and recognize it is important enough to report it to property management because it may present safety hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards or usability barriers.</p>

#### **Deficiency 5 – Cooking Appliance: Inside**

<b>Deficiency</b>	A burner does not produce heat, but at least 1 other burner is present on the cooking range or cooktop and does produce heat.
<b>Deficiency Criteria</b>	A burner does not produce heat, but at least 1 other burner is present on the cooking range or cooktop and does produce heat.

<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a burner does not produce heat, but at least 1 other burner is present on the cooking range or cooktop and does produce heat, then there may be an increased safety risk to the resident.</p> <p>If a burner does not produce heat, but at least 1 other burner is present on the cooking range or cooktop and does produce heat, then the resident may not be able to fully use an appliance that is expected to be provided and maintained as part of the rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a burner does not produce heat, but at least 1 other burner is present on the cooking range or cooktop and does produce heat. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards or usability barriers.</p>

**TABLE 10—DOOR – ENTRY STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	<p>A door that provides a means of access to the Unit from the Inside or Outside.</p> <p>OR</p> <p>A door that provides a means of access to the Inside from the Outside.</p>
<b>Location</b>	<p>Unit: Entrance to the Unit from the Outside or Inside</p> <p>Inside: Entrance to the Inside from the Outside</p>
<b>Deficiency 1 – Door – Entry: Unit</b>	
<b>Deficiency</b>	Entry door will not open.
<b>Deficiency Criteria</b>	Entry door will not open.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days

<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the entry door will not open, then the resident's ability to leave or grant access to the unit may be limited, which may result in an increased safety risk in the event of an emergency.</p> <p>If the entry door will not open, then the resident's ability to grant access to the unit may be limited.</p> <p>If the entry door will not open, then the resident's ability to leave or grant access to the unit may be limited.</p> <p>A resident is likely to notice if the entry door will not open and to recognize it is important enough to report it to property management because it may present safety hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards.</p>
<b>Deficiency 1 – Door – Entry: Inside</b>	
<b>Deficiency</b>	Entry door will not open.
<b>Deficiency Criteria</b>	Entry door will not open.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the entry door will not open, then the resident's ability to leave or grant access to the building may be limited, which may result in an increased safety risk in the event of an emergency.</p> <p>If the entry door will not open, then the resident's ability to grant access to the building may be limited.</p> <p>If the entry door will not open, then the resident's ability to leave or grant access to the building may be limited.</p> <p>Property management would be expected to ensure that staff members understand how to identify an entry door that will not open. Management practices would be expected to assure prompt creation and prioritization of</p>

a work order to remedy this deficiency because it may result in safety hazards or usability barriers.

#### **Deficiency 2 – Door – Entry: Unit**

<b>Deficiency</b>	Entry door will not close.
<b>Deficiency Criteria</b>	Entry door does not close (i.e., door seats in frame).
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the entry door will not close, and there is inclement weather, then the resident may be at an increased risk of environmental exposure, which may result in illness.</p> <p>If the entry door will not close, then the resident's ability to manage access to the unit may be limited.</p> <p>If the entry door will not close, then the resident may be unable to reasonably ensure privacy within the unit.</p> <p>If the entry door will not close, then the resident's ability to manage access to the unit may be limited.</p> <p>A resident is likely to notice if the entry door will not close and to recognize it is important enough to report it to property management because it may present health or safety hazards, or privacy or usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in health or safety hazards or privacy or usability barriers.</p>

#### **Deficiency 2 – Door – Entry: Inside**

<b>Deficiency</b>	Entry door will not close.
<b>Deficiency Criteria</b>	Entry door does not close (i.e., door seats in frame).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days

<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the entry door will not close, then the resident's ability to manage access to the building may be limited.</p> <p>If the entry door will not close, then the resident or POA's ability to manage access to the building may be limited.</p> <p>Property management would be expected to ensure that staff members understand how to identify an entry door that will not close. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in security hazards or usability barriers.</p>
<b>Deficiency 3 – Door – Entry: Unit</b>	
<b>Deficiency</b>	Entry door self-closing mechanism is damaged, inoperable, or missing.
<b>Deficiency Criteria</b>	<p>The self-closing mechanism is damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>The self-closing mechanism does not pull the door closed and engage the latch.</p> <p>OR</p> <p>The self-closing mechanism is missing (i.e., evidence of prior installation, but now not present or is incomplete).</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the entry door self-closer will not pull the door closed and latch, and there is an environmental threat, then the resident cannot reasonably assume measures are in place to mitigate exposure.</p> <p>If the entry door self-closer will not pull the door closed and latch, then the resident is unable to fully use the door, which is expected to be part of their rent.</p>
<b>Deficiency 3 – Door – Entry: Inside</b>	
<b>Deficiency</b>	Entry door self-closing mechanism is damaged, inoperable, or missing.

<b>Deficiency Criteria</b>	<p>The self-closing mechanism is damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>The self-closing mechanism does not pull the door closed and engage the latch.</p> <p>OR</p> <p>The self-closing mechanism is missing (i.e., evidence of prior installation, but now not present or is incomplete).</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the entry door self-closer will not pull the door closed and latch, and there is an environmental threat, then the resident cannot reasonably assume measures are in place to mitigate exposure.</p> <p>If the entry door self-closer will not pull the door closed and latch, then the resident is unable to fully use the door, which is expected to be part of their rent.</p>

#### **Deficiency 4 – Door – Entry: Unit**

<b>Deficiency</b>	Entry door cannot be secured.
<b>Deficiency Criteria</b>	Entry door cannot be secured (i.e., access controlled) by at least 1 installed lock.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If the entry door cannot be secured by at least 1 installed lock, then the resident's ability to control access to the unit may be limited.</p> <p>If the entry door cannot be secured by at least 1 installed lock, then the resident may be unable to reasonably ensure privacy within the unit.</p> <p>If the entry door cannot be secured by at least 1 installed lock, then the resident's ability to control access to the unit may be limited.</p> <p>A resident is likely to notice if the entry door cannot be secured by at least 1 installed lock within the unit and to recognize it is important enough to report it to property management because it may limit their security or privacy. Property management should be expected to prioritize a work order to remedy this deficiency because it may limit the resident's security or privacy.</p>
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#### **Deficiency 4 – Door – Entry: Inside**

<b>Deficiency</b>	Entry door cannot be secured.
<b>Deficiency Criteria</b>	Entry door cannot be secured (i.e., access controlled) by at least 1 installed lock.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the entry door cannot be secured by at least 1 installed lock, then the ability to control access to the property may be limited.</p> <p>If the entry door cannot be secured by at least 1 installed lock, then the ability to control access to the property may be limited.</p> <p>Property management would be expected to ensure that staff members understand how to identify an entry door cannot be secured by at least 1 installed lock. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in security hazards.</p>

#### **Deficiency 5 – Door – Entry: Unit**

<b>Deficiency</b>	Hole, split, or crack that penetrates completely through entry door.
<b>Deficiency Criteria</b>	<p>A hole <math>\frac{1}{4}</math> inch or greater in diameter that penetrates all the way through the door.</p> <p>OR</p>

	<p>A split or crack <math>\frac{1}{4}</math> inch or greater in width that penetrates all the way through the door.</p> <p>OR</p> <p>A hole or a crack with separation is present, or the glass is missing within the door, side lites, or transom.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the entry door has a hole that penetrates all the way through the door, and there is inclement weather, then resident is in danger of excess cold and heat, dampness, and mold growth, and spread of smoke, fire, or poisonous gas, which will affect the resident's physical health.</p> <p>If the entry door has a hole that penetrates all the way through the door, then the resident may be in danger of intruders gaining access to the interior space.</p> <p>If the entry door has a hole that penetrates all the way the door, then the resident cannot secure their privacy within the interior space.</p> <p>If the entry door has a hole that penetrates all the way through the door, then the resident is unable to fully use a feature of home that is expected to be part of their rent.</p> <p>If the entry door has a hole that penetrates all the way through the door, and the resident is responsible for utilities, then the resident may experience an increase in utility costs.</p> <p>If the entry door has a hole that penetrates all the way through the door, then it is likely complaint-based work orders are not being addressed.</p> <p>If the entry door has a hole that penetrates all the way through the door, then it is likely routine work orders are not being addressed.</p>
<b>Deficiency 5 – Door – Entry: Inside</b>	
<b>Deficiency</b>	Hole, split, or crack that penetrates completely through entry door.
<b>Deficiency Criteria</b>	<p>A hole <math>\frac{1}{4}</math> inch or greater in diameter that penetrates all the way through the door.</p> <p>OR</p>

	<p>A split or crack <math>\frac{1}{4}</math> inch or greater in width that penetrates all the way through the door.</p> <p>OR</p> <p>A hole or a crack with separation is present, or the glass is missing within the door, side lites, or transom.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the entry door has a hole that penetrates all the way through the door, and there is inclement weather, then the resident is in danger of excess cold and heat, dampness, and mold growth, and spread of smoke, fire, or poisonous gas, which will affect the resident's physical health.</p> <p>If the entry door has a hole that penetrates all the way through the door, then the resident may be in danger of intruders gaining access to the interior space.</p> <p>If the entry door has a hole that penetrates all the way the door, then the resident cannot secure their privacy within the interior space.</p> <p>If the entry door has a hole that penetrates all the way through, then the resident is unable to fully use a feature that is expected to be part of their rent.</p> <p>If the entry door has a hole that penetrates all the way through the door, then it is likely complaint-based work orders are not being addressed.</p> <p>If the entry door has a hole that penetrates all the way through the door, then it is likely routine work orders are not being addressed.</p>

#### Deficiency 6 – Door – Entry: Unit

<b>Deficiency</b>	Entry door is missing.
<b>Deficiency Criteria</b>	The entry door is missing (i.e., evidence of prior installation, but now not present or is incomplete).
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours

<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the entry door is missing, then there may be an increased safety risk for the resident in the event of a fire or an emergency.</p> <p>If the entry door is missing, and there is inclement weather or an emergency, then the resident's physical health may be in jeopardy.</p> <p>If the entry door is missing, then the resident cannot reasonably secure the property from intruders.</p> <p>If the entry door is missing, then the resident cannot secure their privacy within the interior space.</p> <p>If the entry door is missing, then the resident is unable to fully use a feature which is expected to be part of their rent.</p> <p>If the entry door is missing and the resident is responsible for utilities, then the resident may experience an increase in utility costs due to inability to protect from the outside environment.</p> <p>If the entry door is missing, then it is likely complaint-based work orders are not being addressed.</p> <p>If the entry door is missing, then it is likely routine work orders are not being addressed.</p> <p>If the entry door is missing, property visitors will observe the deficiency, which will impact their perception of the property.</p>
<b>Deficiency 6 – Door – Entry: Inside</b>	
<b>Deficiency</b>	Entry door is missing
<b>Deficiency Criteria</b>	The entry door is missing (i.e., evidence of prior installation, but now not present or is incomplete).
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If the entry door is missing, and there is inclement weather or an emergency, then the resident's physical health may be in jeopardy.</p> <p>If the entry door is missing, then the resident cannot reasonably secure the property from intruders.</p> <p>If the entry door is missing, then the resident cannot secure their privacy within the interior space.</p> <p>If the entry door is missing, then the resident is unable to fully use a feature, which is expected to be part of their rent.</p> <p>If the entry door is missing, then it is likely complaint-based work orders are not being addressed.</p> <p>If the entry door is missing, then it is likely routine work orders are not being addressed.</p> <p>If the entry door is missing, property visitors will observe the deficiency, which will impact their perception of the property.</p>
<b>Deficiency 7 – Door – Entry: Unit</b>	
<b>Deficiency</b>	Entry door surface is delaminated or separated.
<b>Deficiency Criteria</b>	<p>There is delamination or separation of the door surface 2 inches wide or greater.</p> <p>OR</p> <p>There is delamination or separation that affects the integrity of the door (i.e., surface protection or the strength of the door).</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If an entry door surface is pulling away from the door inner core, then pests (e.g., wasps) may be able to nest in the open space, which could affect the resident's physical health.</p> <p>If there is delamination or separation of the entry door, and it impacts the door's integrity, then intruders may be able to easily access the unit.</p>

If an entry door surface is pulling away from the door's inner core, then infestation (e.g., wasps) may occur in the open space. The resident will likely call this in; may indicate work orders are not being addressed.

If the entry door is delaminated or separating, then the public or visitors may see this deficiency, potentially resulting in decreased property reputation.

#### **Deficiency 7 – Door – Entry: Inside**

<b>Deficiency</b>	Entry door surface is delaminated or separated.
<b>Deficiency Criteria</b>	There is delamination or separation of the door surface 2 inches wide or greater.  OR  There is delamination or separation that affects the integrity of the door (i.e., surface protection or the strength of the door).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If an entry door surface is pulling away from the door inner core, then pests (e.g., wasps) may be able to nest in the open space, which could affect the resident's physical health.</p> <p>If there is delamination or separation of the entry door, and it impacts the door's integrity, then intruders may be able to easily access the unit.</p> <p>If an entry door surface is pulling away from the door's inner core, then infestation (e.g., wasps) may occur in the open space. The resident will likely call this in; may indicate work orders are not being addressed.</p> <p>If the entry door is delaminated or separating, then the public or visitors may see this defect, potentially resulting in decreased property reputation.</p>

#### **Deficiency 8 – Door – Entry: Unit**

<b>Deficiency</b>	Entry door frame, threshold, or trim is damaged or missing.
<b>Deficiency Criteria</b>	The entry door frame, threshold, or trim is damaged (i.e., visibly defective; impacts functionality).  OR

	The entry door frame, threshold, or trim is missing (i.e., evidence of prior installation, but now not present or is incomplete).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the entry door frame, threshold, or trim is damaged, and there is inclement weather or an emergency, then the resident's physical health may be in jeopardy.</p> <p>If the entry door frame, threshold, or trim is damaged or missing, then the resident cannot reasonably secure the property from intruders.</p> <p>If the entry door frame, threshold, or trim is damaged or missing, then the resident cannot secure their privacy within the interior space.</p> <p>If the entry door frame, threshold, or trim is damaged or missing, then the resident is unable to fully use a feature, which is expected to be part of their rent.</p> <p>If the entry door frame, threshold, or trim is damaged or missing, and the resident is responsibility for utilities, then the resident may experience an increase in utility costs due to inability to protect from the outside environment.</p> <p>If the entry door frame, threshold, or trim is damaged or missing, then it is likely complaint-based work orders are not being addressed.</p> <p>If the entry door frame, threshold, or trim is damaged or missing, then it is likely routine work orders are not being addressed.</p>

#### **Deficiency 8 – Door – Entry: Inside**

<b>Deficiency</b>	Entry door frame, threshold, or trim is damaged or missing.
<b>Deficiency Criteria</b>	<p>The entry door frame, threshold, or trim is damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>The entry door frame, threshold, or trim is missing (i.e., evidence of prior installation, but now not present or is incomplete).</p>
<b>Health and Safety Determination</b>	Moderate

<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the entry door frame, threshold, or trim is damaged, and there is inclement weather or an emergency, then the resident's physical health may be in jeopardy.</p> <p>If the entry door frame, threshold, or trim is damaged or missing, then the resident cannot reasonably secure the property from intruders.</p> <p>If the entry door frame, threshold, or trim is damaged or missing, then the resident cannot secure their privacy within the interior space.</p> <p>If the entry door frame, threshold, or trim is damaged or missing, then the resident is unable to fully use a feature, which is expected to be part of their rent.</p> <p>If the entry door frame, threshold, or trim is damaged or missing, then it is likely complaint-based work orders are not being addressed.</p> <p>If the entry door frame, threshold, or trim is damaged or missing, then it is likely routine work orders are not being addressed.</p>

#### **Deficiency 9 – Door – Entry: Unit**

<b>Deficiency</b>	Entry door seal, gasket, or stripping is damaged, inoperable, or missing.
<b>Deficiency Criteria</b>	<p>The entry door seal, gasket, or stripping is:</p> <ul style="list-style-type: none"> <li>- damaged (i.e., visibly defective; impacts functionality);</li> <li>- inoperable (i.e., overall system or component thereof is not meeting function/purpose, with or without visible damage); or</li> <li>- missing (i.e., evidence of prior installation, but now not present or is incomplete).</li> </ul> <p>AND ONE OF THE FOLLOWING CONDITIONS:</p> <p>Condition 1:</p> <ul style="list-style-type: none"> <li>- <u>General door type</u>: Results in a gap of ¼ inch wide or greater between the door slab and the stop molding on the jamb or the jamb itself, or between the bottom of the door and the threshold or floor AND permits light around the closed door.</li> <li>- <u>Special door type</u>: Results in a gap of ¼ inch wide or greater around or under the door or where the doors meet AND permits light around the closed door or where the doors meet.</li> </ul>

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Condition 2:

- General door type: There is evidence of water penetrating (e.g., water damage or dry rot) around or under the door.
- Special door type: There is evidence of water penetrating (e.g., water damage or dry rot) around or under the door or where the doors meet.

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<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the entry door seal, gasket, or stripping is damaged, inoperable, or missing and there is inclement weather or an emergency (e.g., smoke or fire spread), then the resident's physical health may be in jeopardy.</p> <p>If the entry door seal, gasket, or stripping is damaged, inoperable, or missing and the resident is responsible for utilities, then the resident may experience an increase in utility costs due to inability to protect from the outside environment.</p>

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**Deficiency 9 – Door – Entry: Inside**


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<b>Deficiency</b>	Entry door seal, gasket, or stripping is damaged, inoperable, or missing.
<b>Deficiency Criteria</b>	<p>The entry door seal, gasket, or stripping is:</p> <ul style="list-style-type: none"> <li>- damaged (i.e., visibly defective; impacts functionality);</li> <li>- inoperable (i.e., overall system or component thereof is not meeting function/purpose; with or without visible damage); or</li> <li>- missing (i.e., evidence of prior installation, but now not present or is incomplete).</li> </ul>

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## AND ONE OF THE FOLLOWING CONDITIONS:

## Condition 1:

- General door type: Results in a gap of ¼ inch wide or greater between the door slab and the stop molding on the jamb or the jamb itself, or between the bottom of the door and the threshold or floor AND permits light around the closed door.
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- Special door type: Results in a gap of ¼ inch wide or greater around or under the door or where the doors meet AND permits light around the closed door or where the doors meet.

Condition 2:

- General door type: There is evidence of water penetrating (e.g., water damage or dry rot) around or under the door.
- Special door type: There is evidence of water penetrating (e.g., water damage or dry rot) around or under the door or where the doors meet.

<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	If the entry door seal, gasket, or stripping is damaged, inoperable, or missing and there is inclement weather or an emergency (e.g., smoke or fire spread), then the resident's physical health may be in jeopardy.
<b>Deficiency 10 – Door – Entry: Unit</b>	
<b>Deficiency</b>	Entry door component is damaged, inoperable, or missing and it does not limit the door's ability to provide privacy or protection from weather or infestation.
<b>Deficiency Criteria</b>	<p>Entry door component is damaged (i.e., visibly defective) and it does not limit the door's ability to provide privacy or protection from weather or infestation.</p> <p>OR</p> <p>Entry door component is inoperable (i.e., component not meeting function or purpose; with or without visible damage) and it does not limit the door's ability to provide privacy or protection from weather or infestation.</p> <p>OR</p> <p>Entry door component is missing (i.e., evidence of prior installation, but it is now not present or is incomplete) and it does not limit the door's ability to provide privacy or protection from weather or infestation.</p>
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days

<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	If the door's ability to provide privacy or protection from weather or infestation is not limited, but an entry door component is damaged, inoperable, or missing, then the resident may notice this within the unit and may recognize it is important enough to report it to property management. Property management may be expected to prioritize a work order to remedy this deficiency because it may lead to usability barriers.
<b>Deficiency 10 – Door – Entry: Inside</b>	
<b>Deficiency</b>	Entry door component is damaged, inoperable, or missing and it does not limit the door's ability to provide privacy or protection from weather or infestation.
<b>Deficiency Criteria</b>	<p>Entry door component is damaged (i.e., visibly defective) and it does not limit the door's ability to provide privacy or protection from weather or infestation.</p> <p>OR</p> <p>Entry door component is inoperable (i.e., component not meeting function or purpose; with or without visible damage) and it does not limit the door's ability to provide privacy or protection from weather or infestation.</p> <p>OR</p> <p>Entry door component is missing (i.e., evidence of prior installation, but it is now not present or is incomplete) and it does not limit the door's ability to provide privacy or protection from weather or infestation.</p>
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	If the door's ability to provide privacy or protection from weather or infestation is not limited, but an entry door component is damaged, inoperable, or missing, then property management would be expected to ensure that staff members understand how to identify this deficiency. Management practices may be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may lead to usability barriers.

**TABLE 11—DOOR – FIRE LABELED STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A door with a fire-resistant rating (i.e., the time within which materials or assemblies have withstood fire exposure).
<b>Location</b>	Unit: All fire labeled doors throughout the Unit.  Inside: All fire labeled doors throughout the Inside.
<b>Deficiency 1 – Door – Fire Labeled: Unit</b>	
<b>Deficiency</b>	Fire labeled door does not open.
<b>Deficiency Criteria</b>	Fire labeled door does not open such that it may limit access between spaces.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a fire labeled door does not open such that it may limit access between spaces, then there may be an increased safety risk for the resident in the event of an emergency.</p> <p>If a fire labeled door does not open, then the resident's ability to move freely between spaces may be limited.</p> <p>A resident is likely to notice if a fire labeled door does not open such that it may limit access between spaces and to recognize it is important enough to report it to property management because it may present safety hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards.</p>
<b>Deficiency 1 – Door – Fire Labeled: Inside</b>	
<b>Deficiency</b>	Fire labeled door does not open.
<b>Deficiency Criteria</b>	Fire labeled door does not open such that it may limit access between spaces.
<b>Health and Safety Determination</b>	Severe

<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a fire labeled door does not open such that it may limit access between spaces, then there may be an increased safety risk for the resident in the event of an emergency.</p> <p>If a fire labeled door does not open, then the resident's ability to move freely between spaces may be limited.</p> <p>Property management would be expected to ensure that staff members understand how to identify a fire labeled door that does not open such that it may limit access between spaces. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in safety hazards or usability barriers.</p>

#### **Deficiency 2 – Door – Fire Labeled: Unit**

<b>Deficiency</b>	Fire labeled door does not close and latch or the self-closing hardware is damaged or missing such that the door does not self-close and latch.
<b>Deficiency Criteria</b>	<p>Fire labeled door does not close (i.e., door seats in frame) and latch.</p> <p>OR</p> <p>Fire labeled door self-closing hardware is damaged (i.e., visibly defective; impacts functionality) or missing (i.e., evidence of prior installation, but is now not present or is incomplete) such that the door does not self-close (i.e., door seats in frame) and latch.</p>
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a fire labeled door does not close and latch or the fire labeled door self-closing hardware is damaged or missing such that the door does not self-close and latch, and there is a fire, then the door may not limit the spread of fire or smoke, which may result in an increased safety risk to the resident.</p> <p>If a fire labeled door does not close and latch or the fire labeled door self-closing hardware is damaged or missing such that the door does not self-</p>

close and latch, and there is a fire, then the resident may not be protected by this feature that is expected to be provided and maintained as part of their rent.

A resident is likely to notice if a fire labeled door does not close and latch or the fire labeled door self-closing hardware is damaged or missing such that the door does not self-close and latch and to recognize it is important enough to report it to property management because it may present safety hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this defect because it may result in safety hazards or usability barriers.

#### **Deficiency 2 – Door – Fire Labeled: Inside**

<b>Deficiency</b>	Fire labeled door does not close and latch or the self-closing hardware is damaged or missing such that the door does not self-close and latch.
<b>Deficiency Criteria</b>	<p>Fire labeled door does not close (i.e., door seats in frame) and latch.</p> <p>OR</p> <p>Fire labeled door self-closing hardware is damaged (i.e., visibly defective; impacts functionality) or missing (i.e., evidence of prior installation, but is now not present or is incomplete) such that the door does not self-close (i.e., door seats in frame) and latch.</p>
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a fire labeled door does not close and latch or the fire labeled door self-closing hardware is damaged or missing such that the door does not self-close and latch, and there is a fire, then the door may not limit the spread of fire or smoke, which may result in an increased safety risk to the resident.</p> <p>If a fire labeled door does not close and latch or the fire labeled door self-closing hardware is damaged or missing such that the door does not self-close and latch, and there is a fire, then the resident may not be protected by this feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff understand how to identify a fire labeled door that does not close and latch or if the fire labeled door self-closing hardware is damaged or missing such that the door</p>

does not self-close and latch. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety hazards or usability barriers.

### **Deficiency 3 – Door – Fire Labeled: Unit**

<b>Deficiency</b>	Fire labeled door assembly has a hole of any size or is damaged such that its integrity may be compromised.
<b>Deficiency Criteria</b>	<p>A fire labeled door assembly has a hole of any size.</p> <p>OR</p> <p>A fire labeled door assembly is damaged (i.e., visibly defective; impacts functionality) such that its integrity may be compromised.</p>
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a fire labeled door assembly has a hole of any size or is damaged such that its integrity may be compromised, and there is a fire, then the door may not limit the spread of fire or smoke, which may result in an increased safety risk to the resident.</p> <p>A resident is likely to notice if a fire labeled door assembly has a hole of any size or is damaged such that its integrity may be compromised and to recognize it is important enough to report it to property management because it may present safety hazards. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards.</p>

### **Deficiency 3 – Door – Fire Labeled: Inside**

<b>Deficiency</b>	Fire labeled door assembly has a hole of any size or is damaged such that its integrity may be compromised.
<b>Deficiency Criteria</b>	<p>A fire labeled door assembly has a hole of any size.</p> <p>OR</p> <p>A fire labeled door assembly is damaged (i.e., visibly defective; impacts functionality) such that its integrity may be compromised.</p> <p>OR</p> <p>25% of the door surface has rust that affects the integrity of the door.</p>

	OR
	There is broken or missing glass.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a fire labeled door assembly has a hole of any size or is damaged such that its integrity may be compromised, and there is a fire, then the door may not limit the spread of fire or smoke, which may result in an increased safety risk to the resident.</p> <p>Property management would be expected to ensure that staff members understand how to identify a fire labeled door assembly that has a hole of any size or is damaged such that its integrity may be compromised. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in safety hazards.</p>

#### **Deficiency 4 – Door – Fire Labeled: Unit**

<b>Deficiency</b>	Fire labeled door seal or gasket is damaged or missing.
<b>Deficiency Criteria</b>	<p>A fire labeled door seal or gasket is damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>A fire labeled door seal or gasket is missing (i.e., evidence of prior installation, but now not present or is incomplete).</p>
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	If a fire labeled door seal or gasket is damaged or missing, and there is a fire, then the door may not limit the spread of fire or smoke, which may result in an increased safety risk to the resident.

A resident is likely to notice if a fire labeled door seal or gasket is damaged or missing and to recognize it is important enough to report it to property management because it may present safety hazards. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards.

#### **Deficiency 4 – Door – Fire Labeled: Inside**

<b>Deficiency</b>	Fire labeled door seal or gasket is damaged or missing.
<b>Deficiency Criteria</b>	<p>A fire labeled door seal or gasket is damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>A fire labeled door seal or gasket is missing (i.e., evidence of prior installation, but now not present or is incomplete).</p>
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a fire labeled door seal or gasket is damaged or missing, and there is a fire, then the door may not limit the spread of fire or smoke, which may result in an increased safety risk to the resident.</p> <p>Property management would be expected to ensure that staff members understand how to identify a fire labeled door seal or gasket that is damaged or missing. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in safety hazards.</p>

#### **Deficiency 5 – Door – Fire Labeled: Unit**

<b>Deficiency</b>	An object is present that may prevent the fire labeled door from closing and latching or self-closing and latching.
<b>Deficiency Criteria</b>	<p>An object is present that may prevent the fire labeled door from closing (i.e., door seats in frame) and latching.</p> <p>OR</p> <p>An object is present that may prevent the fire labeled door from self-closing (i.e., door seats in frame) and latching.</p>
<b>Health and Safety Determination</b>	Severe

<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If an object is present that may prevent the fire labeled door from closing and latching or self-closing and latching, and there is a fire, then the door may not limit the spread of fire or smoke, which may result in an increased safety risk to the resident.</p> <p>If an object is present that may prevent the fire labeled door from closing and latching or self-closing and latching, then the resident may not be able to fully use a feature of that is expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice if an object is present that may prevent the fire labeled door from closing and latching or self-closing and latching and to recognize it is important enough to report it to property management because it may present safety hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this defect because it may result in safety hazards or usability barriers.</p>
<b>Deficiency 5 – Door – Fire Labeled: Inside</b>	
<b>Deficiency</b>	An object is present that may prevent the fire labeled door from closing and latching or self-closing and latching.
<b>Deficiency Criteria</b>	<p>An object is present that may prevent the fire labeled door from closing (i.e., door seats in frame) and latching.</p> <p>OR</p> <p>An object is present that may prevent the fire labeled door from self-closing (i.e., door seats in frame) and latching.</p>
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	If an object is present that may prevent the fire labeled door from closing and latching or self-closing and latching, and there is a fire, then the door may not limit the spread of fire or smoke, which may result in an increased safety risk to the resident.

If an object is present that may prevent the fire labeled door from closing and latching or self-closing and latching, then the resident may not be able to fully use a feature of that is expected to be provided and maintained as part of their rent.

Property management would be expected to ensure that staff understand how to identify if an object is present that may prevent the fire labeled door from closing and latching or self-closing and latching. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety hazards or usability barriers.

#### **Deficiency 6 – Door – Fire Labeled: Unit**

<b>Deficiency</b>	Fire labeled door cannot be secured.
<b>Deficiency Criteria</b>	Fire labeled door cannot be secured (i.e., access controlled) by at least 1 installed lock.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the fire labeled door cannot be secured, then the resident's ability to control access to the unit may be limited.</p> <p>If the fire labeled door cannot be secured, then the resident may be unable to reasonably ensure privacy within the unit.</p> <p>If the fire labeled door cannot be secured, then the resident's ability to control access to the unit may be limited.</p> <p>A resident is likely to notice if the fire labeled door within the unit cannot be secured and to recognize it is important enough to report it to property management because it may limit their security or privacy. Property management should be expected to prioritize a work order to remedy this deficiency because it may limit the resident's security or privacy.</p>

#### **Deficiency 6 – Door – Fire Labeled: Inside**

<b>Deficiency</b>	Fire labeled door cannot be secured.
<b>Deficiency Criteria</b>	Fire labeled door cannot be secured (i.e., access controlled) by at least 1 installed lock, if so designed.

<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the fire labeled door cannot be secured, then the resident's ability to control access to the property may be limited.</p> <p>If the fire labeled door cannot be secured, then the resident's ability to control access to the property may be limited.</p> <p>Property management would be expected to ensure that staff understand how to identify a fire labeled door that cannot be secured, if so designed. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in security hazards or usability barriers.</p>

#### **Deficiency 7 – Door – Fire Labeled: Unit**

<b>Deficiency</b>	Fire labeled door is missing.
<b>Deficiency Criteria</b>	Fire labeled door is missing (i.e., evidence of prior installation, but is now not present or is incomplete).
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the fire labeled door is missing, then there may be an increased safety risk for the resident in the event of an emergency.</p> <p>If the fire labeled door is missing, the resident is unable to fully use a feature which is expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice if a fire labeled door is missing and to recognize it is important enough to report it to property management because it may present safety hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this defect because it may result in safety hazards.</p>

#### **Deficiency 7 – Door – Fire Labeled: Inside**

<b>Deficiency</b>	Fire labeled door is missing.
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<b>Deficiency Criteria</b>	Fire labeled door is missing (i.e., evidence of prior installation, but is now not present or is incomplete).
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the fire labeled door is missing, then there may be an increased safety risk for the resident in the event of an emergency.</p> <p>If the fire labeled door is missing, the resident is unable to fully use a feature which is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff understand how to identify a missing fire labeled door. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in security hazards or usability barriers.</p>

**TABLE 12—DOOR – GENERAL STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	Panel that provides an opening in a building or room and provides separation (i.e., closes an opening).
<b>Location</b>	<p>Unit: All passage doors throughout the Unit (i.e., a door between rooms, door into a walk-in closet, or door into a utility room, storage room, or room that contains washers and dryers).</p> <p>Inside: All passage doors throughout the Inside (i.e., a door between rooms, door into a walk-in closet, or door into a utility room, storage room, or room that contains washers and dryers).</p> <p>Outside: All exterior doors throughout the Outside (i.e., a door into a utility room, storage room, or mechanical room).</p>
<b>Deficiency 1 – Door – General: Unit</b>	
<b>Deficiency</b>	A passage door does not open.
<b>Deficiency Criteria</b>	A passage door does not open such that it may limit the resident's ability to move freely between rooms.

<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a passage door does not open such that it may limit the resident's ability to move freely between rooms, then there may be an increased safety risk for the resident in the event of an emergency.</p> <p>If a passage door does not open, then the resident's ability to move freely between rooms may be limited.</p> <p>A resident is likely to notice if a passage door does not open such that it may limit the resident's ability to move freely between rooms and to recognize it is important enough to report it to property management because it may present safety hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards.</p>

#### **Deficiency 1 – Door – General: Inside**

<b>Deficiency</b>	A passage door does not open.
<b>Deficiency Criteria</b>	A passage door does not open such that it may limit the resident's ability to move freely between rooms.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a passage door does not open such that it may limit the resident's ability to move freely between rooms, then there may be an increased safety risk for the resident in the event of an emergency.</p> <p>If a passage door does not open, then the resident's ability to move freely between rooms may be limited.</p> <p>Property management would be expected to ensure that staff members understand how to identify a passage door that does not open such that it may limit the resident's ability to move freely between rooms. Management practices would be expected to assure prompt creation and prioritization of</p>

a work order to remedy this deficiency, because it may result in safety hazards or usability barriers.

#### **Deficiency 2 – Door – General: Unit**

<b>Deficiency</b>	A passage door component is damaged, inoperable, or missing and the door is not functionally adequate.
<b>Deficiency Criteria</b>	<p>A passage door component is damaged (i.e., visibly defective; impacts functionality) and the door is not functionally adequate.</p> <p>OR</p> <p>A passage door component is inoperable (i.e., component is not meeting function or purpose; with or without visible damage) and the door is not functionally adequate.</p> <p>OR</p> <p>A passage door component is missing (i.e., evidence of prior installation, but is now not present or is incomplete) and the door is not functionally adequate.</p>
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	<p>If a passage door component is damaged, inoperable, or missing and the door is not functionally adequate, then the resident's reasonable expectation of privacy may be limited.</p> <p>If a passage door component is damaged, inoperable, or missing and the door is not functionally adequate, then the resident may not be able to fully use a feature of the Unit that is expected to be provided and maintained as part of the rent.</p> <p>A resident is likely to notice a passage door component that is damaged, inoperable, or missing and the door is not functionally adequate, and to recognize it is important enough to report it to property management because it may limit the resident's privacy. Property management should be expected to prioritize a work order to remedy this deficiency because it may limit the resident's privacy.</p>

#### **Deficiency 2 – Door – General: Inside**

<b>Deficiency</b>	A passage door component is damaged, inoperable, or missing and the door is not functionally adequate.
<b>Deficiency Criteria</b>	A passage door component is damaged (i.e., visibly defective; impacts functionality) and the door is not functionally adequate.

	<p>OR</p> <p>A passage door component is inoperable (i.e., component is not meeting function or purpose; with or without visible damage) and the door is not functionally adequate.</p> <p>OR</p> <p>A passage door component is missing (i.e., evidence of prior installation, but is now not present or is incomplete) and the door is not functionally adequate.</p>
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	<p>If a passage door component is damaged, inoperable, or missing and the door is not functionally adequate, then the resident may not be able to fully use a feature that is expected to be provided and maintained as part of the rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify a passage door component that is damaged, inoperable, or missing and the door is not functionally adequate.</p> <p>Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in usability barriers.</p>
<b>Deficiency 3 – Door – General: Unit</b>	
<b>Deficiency</b>	A door that is not intended to permit access between rooms has a damaged, inoperable, or missing component.
<b>Deficiency Criteria</b>	<p>A door that is not intended to permit access between rooms has a damaged (i.e., visibly defective; impacts functionality) component.</p> <p>OR</p> <p>A door that is not intended to permit access between rooms has an inoperable (i.e., component is not meeting function or purpose, with or without visible damage) component.</p> <p>OR</p> <p>A door that is not intended to permit access between rooms has a missing (i.e., evidence of prior installation, but is now not present or is incomplete) component.</p>
<b>Health and Safety Determination</b>	Low

<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	<p>If a door that is not intended to permit access between rooms has a damaged, inoperable, or missing component, then the resident's reasonable expectation of privacy of their personal property may be limited.</p> <p>If a door that is not intended to permit access between rooms has a damaged, inoperable, or missing component, then the resident may not be able to fully use a feature of the Unit that is expected to be provided and maintained as part of the rent.</p> <p>A resident is likely to notice if a door that is not intended to permit access between rooms and has a damaged, inoperable, or missing component and to recognize it is important enough to report it to property management because it may limit the resident's privacy or present usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may limit the resident's privacy or present usability barriers.</p>

#### **Deficiency 4 – Door – General: Outside**

<b>Deficiency</b>	An exterior door component is damaged, inoperable, or missing.
<b>Deficiency Criteria</b>	An exterior door component is damaged (i.e., visibly defective; impacts functionality), inoperable (i.e., component is not meeting function or purpose, with or without visible damage), or missing (i.e., evidence of prior installation, but is now not present or is incomplete).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If an exterior door component is damaged, inoperable, or missing, then the resident may be able to access areas that may be unsafe or not intended for the resident's use, which may result in an increased safety risk to the resident of injury.</p> <p>Property management would be expected to ensure that staff members understand how to identify an exterior door component that is damaged, inoperable, or missing. Management practices would be expected to assure</p>

prompt creation and prioritization of a work order to remedy this deficiency, because it may result in safety hazards.

**TABLE 13—DRAIN STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	An opening in the floor that drains water into the plumbing system.
<b>Location</b>	Unit: Bathroom, basement, utility room, maintenance closet, laundry, stairwell, etc.  Inside: Bathroom, basement, utility room, maintenance closet, laundry, stairwell, etc.  Outside: Stairwell, entryway, etc.
<b>Deficiency 1 –Drain: Unit</b>	
<b>Deficiency</b>	Drain is fully blocked.
<b>Deficiency Criteria</b>	Standing water is present over the floor drain, or the floor drain is blocked such that the inspector believes water would be unable to drain.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If standing water is present over the floor drain or the floor drain is blocked such that the inspector believes water would be unable to drain, this may increase interior moisture levels, which provides an environment favorable for mold growth and may trigger respiratory issues.</p> <p>If standing water is present over the floor drain or the floor drain is blocked such that the inspector believes water would be unable to drain, there may be an increased safety risk to the resident of slipping or falling in the standing water, which may result in injury.</p> <p>If standing water is present over the floor drain, it may be contaminated with pathogens. The resident may come into contact with this potentially contaminated water, possibly leading to infectious diseases.</p> <p>A resident is likely to notice standing water within the unit and to recognize it is important enough to report to property management because it may result in damage to personal property. Property management should be</p>

expected to prioritize a work order for standing water because it may result in water damage to finish materials.

#### **Deficiency 1 –Drain: Inside**

<b>Deficiency</b>	Drain is fully blocked.
<b>Deficiency Criteria</b>	Standing water is present over the floor drain, or the floor drain is blocked such that the inspector believes water would be unable to drain.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>In an area accessible to the resident, if standing water is present over the floor drain or the floor drain is blocked such that the inspector believes water would be unable to drain, this may increase interior moisture levels, which provides an environment favorable for mold growth and may trigger respiratory issues.</p> <p>In an area accessible to the resident, if standing water is present over the floor drain or the floor drain is blocked such that the inspector believes water would be unable to drain, there may be an increased safety risk to the resident of slipping or falling in the standing water, which may result in injury.</p> <p>In an area accessible to the resident, if standing water is present over the floor drain, it may be contaminated with pathogens. The resident may come into contact with this potentially contaminated water, possibly leading to infectious diseases.</p> <p>Property management would be expected to ensure that staff members understand how to identify blockages or standing water over a floor drain within the Inside area. Management practices would be expected to assure prompt creation and prioritization of a work order to unblock the drain, because standing water due to a blockage may result in water damage to interior finish materials.</p>

#### **Deficiency 1 –Drain: Outside**

<b>Deficiency</b>	Drain is fully blocked.
<b>Deficiency Criteria</b>	Standing water is present over the floor drain, or the floor drain is blocked such that the inspector believes water would be unable to drain.

<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>In an area accessible to the resident, if standing water is present over the floor drain or the floor drain is blocked such that the inspector believes water would be unable to drain, there may be an increased safety risk to the resident of slipping or falling in the standing water, which may result in injury.</p> <p>In an area accessible to the resident, if standing water is present over the floor drain, it may be contaminated with pathogens. The resident may come into contact with this potentially contaminated water, possibly leading to infectious diseases.</p> <p>Property management would be expected to ensure that staff members understand how to identify blockages or standing water over a floor drain throughout the exterior built environment. Management practices would be expected to assure prompt creation and prioritization of a work order to unblock the drain, because standing water due to a blockage may result in safety or sanitary hazards.</p>

**TABLE 14—EGRESS STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A safe, continuous, and unobstructed path of travel from any point in the building, unit, or structure to the public way.
<b>Location</b>	Unit: Hallway, stairwell, corridor, sleeping room  Inside: Hallway, stairwell, corridor  Outside: Hallway, stairwell, corridor
<b>Deficiency 1 – Egress: Unit</b>	
<b>Deficiency</b>	Obstructed means of egress.
<b>Deficiency Criteria</b>	The exit access or exit is obstructed.
<b>Health and Safety Determination</b>	Life-Threatening

<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the exit access or exit is obstructed and there is an emergency, then the resident may be unable to safely and expeditiously exit, which may result in injury or death.</p> <p>If the exit access or exit is obstructed, then the resident may not be able to fully use the means of egress to safely exit.</p> <p>A resident is likely to notice if an exit access or exit is obstructed and to recognize this is important enough to report to property management because it may present safety hazards. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards.</p>

#### **Deficiency 1 – Egress: Inside**

<b>Deficiency</b>	Obstructed means of egress.
<b>Deficiency Criteria</b>	The exit access or exit is obstructed.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the exit access or exit is obstructed and there is an emergency, then the resident may be unable to safely and expeditiously exit, which may result in injury or death.</p> <p>If the exit access or exit is obstructed, then the resident may not be able to fully use the means of egress to safely exit.</p> <p>Property management would be expected to ensure that staff members understand how to identify an obstructed exit access and exit. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards or usability barriers.</p>

#### **Deficiency 1 – Egress: Outside**

<b>Deficiency</b>	Obstructed means of egress.
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<b>Deficiency Criteria</b>	The exit discharge is obstructed.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the exit discharge is obstructed and there is an emergency, then the resident may be unable to safely and expeditiously exit, which may result in injury or death.</p> <p>If the exit discharge is obstructed, then the resident may not be able to fully use the means of egress to safely exit.</p> <p>Property management would be expected to ensure that staff members understand how to identify an obstructed exit discharge. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards or usability barriers.</p>

#### **Deficiency 2 – Egress: Unit**

<b>Deficiency</b>	Sleeping room is located on the 3rd floor or below and has an obstructed rescue opening.
<b>Deficiency Criteria</b>	Sleeping room is located on the 3rd floor or below and has an obstructed rescue opening.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a sleeping room is located on the 3rd floor or below and has an obstructed rescue opening and there is an emergency, then the resident may be unable to safely and expeditiously exit, which may result in injury or death.</p> <p>If a sleeping room is located on the 3rd floor or below and has an obstructed rescue opening, then the resident may not be able to fully use the means of egress to safely exit.</p>

A resident is likely to notice if a sleeping room is located on the 3rd floor or below and has an obstructed rescue opening and to recognize this is important enough to report to property management because it may present safety hazards. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards.

### **Deficiency 3 – Egress: Unit**

<b>Deficiency</b>	Fire escape access is obstructed.
<b>Deficiency Criteria</b>	Fire escape access is obstructed.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a fire escape access is obstructed and there is an emergency, then the resident may be unable to safely and expeditiously exit, which may result in injury or death.</p> <p>If a fire escape access is obstructed, then the resident may not be able to fully use the means of egress to safely exit.</p> <p>A resident is likely to notice if a fire escape access is obstructed and to recognize this is important enough to report to property management because it may present safety hazards. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards.</p>

**TABLE 15—ELECTRICAL – CONDUCTOR, OUTLET, AND SWITCH STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	<p>Conductor: An object or type of material that carries electrical current.</p> <p>Outlet and Switch: Installations that connect to an electrical supply.</p>
<b>Location</b>	<p>Unit: Throughout the Unit</p> <p>Inside: Throughout the Inside</p> <p>Outside: Throughout the Outside</p>
<b>Deficiency 1 – Electrical – Conductor, Outlet, and Switch: Unit</b>	
<b>Deficiency</b>	Outlet or switch is damaged.

<b>Deficiency Criteria</b>	Any portion of a visually accessible (i.e., can be reasonably accessed and observed) outlet or switch is damaged (i.e., visibly defective; impacts functionality) such that it may not safely carry or control electrical current at the outlet or switch.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If any portion of a visually accessible outlet or switch is damaged such that it may not safely carry or control electrical current at the outlet or switch, then there may be an increased safety risk to the resident of fire or electrical shock, which may result in injury or death.</p> <p>If any portion of a visually accessible outlet or switch is damaged such that it may not safely carry or control electrical current at the outlet or switch, then the resident may not be able to safely use appliances, lighting fixtures, or other devices.</p> <p>A resident is likely to notice if any portion of a visually accessible outlet or switch is damaged such that it may not safely carry or control electrical current at the outlet or switch and recognize it is important enough to report to property management because it may present safety hazards. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards or usability barriers.</p>
<b>Deficiency 1 – Electrical – Conductor, Outlet, and Switch: Inside</b>	
<b>Deficiency</b>	Outlet or switch is damaged.
<b>Deficiency Criteria</b>	Any portion of a visually accessible (i.e., can be reasonably accessed and observed) outlet or switch is damaged (i.e., visibly defective; impacts functionality) such that it may not safely carry or control electrical current at the outlet or switch.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If any portion of a visually accessible outlet or switch is damaged such that it may not safely carry or control electrical current at the outlet or switch, then there may be an increased safety risk to the resident of fire or electrical shock, which may result in injury or death.</p> <p>If any portion of a visually accessible outlet or switch is damaged such that it may not safely carry or control electrical current at the outlet or switch, then the resident may not be able to safely use appliances, lighting fixtures, or other devices.</p> <p>Property management would be expected to ensure that staff members understand how to identify if any portion of a visually accessible outlet or switch is damaged such that it may not safely carry or control electrical current at the outlet or switch. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards or usability barriers.</p>
<b>Deficiency 1 – Electrical – Conductor, Outlet, and Switch: Outside</b>	
<b>Deficiency</b>	Outlet or switch is damaged.
<b>Deficiency Criteria</b>	Any portion of a visually accessible (i.e., can be reasonably accessed and observed) outlet or switch is damaged (i.e., visibly defective; impacts functionality) such that it may not safely carry or control electrical current at the outlet or switch.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If any portion of a visually accessible outlet or switch is damaged such that it may not safely carry or control electrical current at the outlet or switch, then there may be an increased safety risk to the resident of fire or electrical shock, which may result in injury or death.</p> <p>If any portion of a visually accessible outlet or switch is damaged such that it may not safely carry or control electrical current at the outlet or switch, then the resident may not be able to safely use appliances, lighting fixtures, or other devices.</p> <p>Property management would be expected to ensure that staff members understand how to identify if any portion of a visually accessible outlet or switch is damaged such that it may not safely carry or control electrical current at the outlet or switch. Management practices would be expected</p>

to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards or usability barriers.

#### **Deficiency 2 – Electrical – Conductor, Outlet, and Switch: Unit**

<b>Deficiency</b>	Testing indicates a three-pronged outlet is not properly wired or grounded.
<b>Deficiency Criteria</b>	Testing of a three-pronged outlet that is reasonably accessible (i.e., can be reached without moving obstructions, dismantling, destructive measures, or actions that may pose a risk to persons or property) indicates that it is not properly wired or grounded.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If testing of a three-pronged outlet that is reasonably accessible indicates that it is not properly wired or grounded, and a device is plugged into the outlet, then the outlet may not safely conduct the electrical current through the device, which may result in an increased risk to the resident of electrical shock.</p> <p>If testing of a three-pronged outlet that is reasonably accessible indicates that it is not properly wired or grounded, then the resident may not be able to safely use the outlet, which may result in limited use of appliances or lighting fixtures.</p> <p>Property management would be expected to ensure that staff members understand how to identify a three-pronged outlet that is reasonably accessible and is not properly wired or grounded. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards or usability barriers.</p>

#### **Deficiency 2 – Electrical – Conductor, Outlet, and Switch: Inside**

<b>Deficiency</b>	Testing indicates a three-pronged outlet is not properly wired or grounded.
<b>Deficiency Criteria</b>	Testing of a three-pronged outlet that is reasonably accessible (i.e., can be reached without moving obstructions, dismantling, destructive measures, or actions that may pose a risk to persons or property) indicates that it is not properly wired or grounded.
<b>Health and Safety Determination</b>	Severe

<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If testing of a three-pronged outlet that is reasonably accessible indicates that it is not properly wired or grounded, and a device is plugged into the outlet, then the outlet may not safely conduct the electrical current through the device, which may result in an increased risk to the resident of electrical shock.</p> <p>If testing of a three-pronged outlet that is reasonably accessible indicates that it is not properly wired or grounded, then the resident may not be able to safely use the outlet, which may result in limited use of appliances or lighting fixtures.</p> <p>Property management would be expected to ensure that staff members understand how to identify a three-pronged outlet that is reasonably accessible and is not properly wired or grounded. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards or usability barriers.</p>
<b>Deficiency 2 – Electrical – Conductor, Outlet, and Switch: Outside</b>	
<b>Deficiency</b>	Testing indicates a three-pronged outlet is not properly wired or grounded.
<b>Deficiency Criteria</b>	Testing of a three-pronged outlet that is reasonably accessible (i.e., can be reached without moving obstructions, dismantling, destructive measures, or actions that may pose a risk to persons or property) indicates that it is not properly wired or grounded.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If testing of a three-pronged outlet that is reasonably accessible indicates that it is not properly wired or grounded, and a device is plugged into the outlet, then the outlet may not safely conduct the electrical current through the device, which may result in an increased risk to the resident of electrical shock.</p> <p>If testing of a three-pronged outlet that is reasonably accessible indicates that it is not properly wired or grounded, then the resident may not be able</p>

to safely use the outlet, which may result in limited use of appliances or lighting fixtures.

Property management would be expected to ensure that staff members understand how to identify a three-pronged outlet that is reasonably accessible and is not properly wired or grounded. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards or usability barriers.

### **Deficiency 3 – Electrical – Conductor, Outlet, and Switch: Unit**

<b>Deficiency</b>	Outlet does not have visible damage and testing indicates it is not energized.
<b>Deficiency Criteria</b>	An outlet that is reasonably accessible (i.e., can be reached without moving obstructions, dismantling, destructive measures, or actions that may pose a risk to persons or property) does not have visible damage and testing indicates that it is not energized.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If an outlet that is reasonably accessible does not have visible damage and testing indicates that it is not energized, then the outlet may not safely conduct the electrical current through the device, possibly resulting in an increased safety risk to the resident of fire, which may result in injury.</p> <p>If an outlet that is reasonably accessible does not have visible damage and testing indicates that it is not energized, then the resident may not be able to safely use the outlet, which may result in limited use of devices.</p> <p>A resident is likely to notice if an outlet is not energized within the unit and to recognize it is important enough to report it to property management because it may present usability barriers. Property management should be expected to prioritize a work order for an outlet that does not have visible damage and testing indicates that it is not energized because it may result in safety hazards or usability barriers.</p>

### **Deficiency 3 – Electrical – Conductor, Outlet, and Switch: Inside**

<b>Deficiency</b>	Outlet does not have visible damage and testing indicates it is not energized.
<b>Deficiency Criteria</b>	An outlet that is reasonably accessible (i.e., can be reached without moving obstructions, dismantling, destructive measures, or actions that may pose a

	risk to persons or property) does not have visible damage and testing indicates that it is not energized.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If an outlet that is reasonably accessible does not have visible damage and testing indicates that it is not energized, then the outlet may not safely conduct the electrical current through the device, possibly resulting in an increased safety risk to the resident of fire, which may result in injury.</p> <p>If an outlet that is reasonably accessible does not have visible damage and testing indicates that it is not energized, then the resident may not be able to safely use the outlet, which may result in limited use of devices.</p> <p>Property management would be expected to ensure that staff members understand how to identify an outlet that does not have visible damage and testing indicates that it is not energized. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in safety hazards or usability barriers.</p>

### **Deficiency 3 – Electrical – Conductor, Outlet, and Switch: Outside**

<b>Deficiency</b>	Outlet does not have visible damage and testing indicates it is not energized.
<b>Deficiency Criteria</b>	An outlet that is reasonably accessible (i.e., can be reached without moving obstructions, dismantling, destructive measures, or actions that may pose a risk to persons or property) does not have visible damage and testing indicates that it is not energized.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	If an outlet that is reasonably accessible does not have visible damage and testing indicates that it is not energized, then the outlet may not safely

conduct the electrical current through the device, possibly resulting in an increased safety risk to the resident of fire, which may result in injury.

If an outlet that is reasonably accessible does not have visible damage and testing indicates that it is not energized, then the resident may not be able to safely use the outlet, which may result in limited use of devices.

Property management would be expected to ensure that staff members understand how to identify an outlet that does not have visible damage and testing indicates that it is not energized. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in safety hazards or usability barriers.

#### **Deficiency 4 – Electrical – Conductor, Outlet, and Switch: Unit**

<b>Deficiency</b>	Exposed electrical conductor.
<b>Deficiency Criteria</b>	Electrical conductor is not enclosed or properly insulated (e.g., damaged or missing sheathing that exposes the insulated wiring or conductor, open port, missing knockout, missing outlet or switch cover, or missing breaker or fuse). OR An opening or gap is present and measures greater than 1/2 inch.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If an electrical conductor is not enclosed or properly insulated or an opening or gap is present and measures greater than ½ inch, then the resident may contact the exposed electrical conductor and be at an increased risk of electrical shock or shock-related injury, which may result in permanent disability or death.</p> <p>If an electrical conductor is not enclosed or properly insulated or an opening or gap is present and measures greater than ½ inch, and there is a short or arc that causes a fire, then the enclosure may not be able to adequately contain the fire, resulting in an increased fire spread risk, which may result in injury.</p> <p>A resident is likely to notice if an electrical conductor is not enclosed or properly insulated or an opening or gap is present and measures greater than ½ inch within the unit and to recognize it is important enough to report it to property management because it may present safety hazards.</p>

Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards.

#### **Deficiency 4 – Electrical – Conductor, Outlet, and Switch: Inside**

<b>Deficiency</b>	Exposed electrical conductor.
<b>Deficiency Criteria</b>	Electrical conductor is not enclosed or properly insulated (e.g., damaged or missing sheathing that exposes the insulated wiring or conductor, open port, missing knockout, missing outlet or switch cover, or missing breaker or fuse). OR An opening or gap is present and measures greater than 1/2 inch.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If an electrical conductor is not enclosed or properly insulated or an opening or gap is present and measures greater than ½ inch, then the resident may contact the exposed electrical conductor and be at an increased risk of electrical shock or shock-related injury, which may result in permanent disability or death.</p> <p>If an electrical conductor is not enclosed or properly insulated or an opening or gap is present and measures greater than ½ inch, and there is a short or arc that causes a fire, then the enclosure may not be able to adequately contain the fire, resulting in an increased fire spread risk, which may result in injury.</p> <p>Property management would be expected to ensure that staff members understand how to identify an electrical conductor that is not enclosed or properly insulated or if there is an opening or gap present that measures greater than ½ inch. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p>

#### **Deficiency 4 – Electrical – Conductor, Outlet, and Switch: Outside**

<b>Deficiency</b>	Exposed electrical conductor.
<b>Deficiency Criteria</b>	Electrical conductor is not enclosed or properly insulated (e.g., damaged or missing sheathing that exposes the insulated wiring or conductor, open port, missing knockout, missing outlet or switch cover, or missing breaker or fuse). OR

	An opening or gap is present and measures greater than 1/2 inch.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If an electrical conductor is not enclosed or properly insulated or an opening or gap is present and measures greater than ½ inch, then the resident may contact the exposed electrical conductor and be at an increased risk of electrical shock or shock-related injury, which may result in permanent disability or death.</p> <p>If an electrical conductor is not enclosed or properly insulated or an opening or gap is present and measures greater than ½ inch, and there is a short or arc that causes a fire, then the enclosure may not be able to adequately contain the fire, resulting in an increased fire spread risk, which may result in injury.</p> <p>Property management would be expected to ensure that staff members understand how to identify an electrical conductor that is not enclosed or properly insulated or if there is an opening or gap present that measures greater than ½ inch. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p>

#### **Deficiency 5 – Electrical – Conductor, Outlet, and Switch: Unit**

<b>Deficiency</b>	Water is currently in contact with an electrical conductor.
<b>Deficiency Criteria</b>	Water is currently in contact with an electrical conductor.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If water is in contact with an electrical conductor, then there may be an increased safety risk to the resident of electrical shock or fire hazard, which may result in injury or death.</p> <p>A resident is likely to notice if water is in contact with an electrical conductor and to recognize it is important enough to report it to property</p>

management because it may present safety hazards. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards.

**Deficiency 5 – Electrical – Conductor, Outlet, and Switch: Inside**

<b>Deficiency</b>	Water is currently in contact with an electrical conductor.
<b>Deficiency Criteria</b>	Water is currently in contact with an electrical conductor.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If water is in contact with an electrical conductor, then there may be an increased safety risk to the resident of electrical shock or fire hazard, which may result in injury or death.</p> <p>Property management would be expected to ensure that staff members understand how to identify if water is in contact with an electrical conductor. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p>

**TABLE 16—ELECTRICAL – GROUND-FAULT CIRCUIT INTERRUPTER (GFCI) OR ARC-FAULT CIRCUIT INTERRUPTER (AFCI) – OUTLET OR BREAKER STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	Electrical protection devices
<b>Location</b>	<p>Unit: Living room, bedroom, kitchen, bathroom, office, mechanical room, closet, hallway, any wall surface.</p> <p>Inside: Living room, kitchen, bathroom, office, mechanical room, closet, hallway, any wall surface.</p> <p>Outside: Exterior wall surface, service panels, or site.</p>
<b>Deficiency 1 – Electrical – Ground-Fault Circuit Interrupter (GFCI) or Arc-Fault Circuit Interrupter (AFCI) – Outlet or Breaker: Unit</b>	
<b>Deficiency</b>	GFCI outlet or GFCI breaker is not visibly damaged and the test or reset button is inoperable.

<b>Deficiency Criteria</b>	GFCI outlet or GFCI breaker does not have visible damage and the test or reset button is inoperable (i.e., overall system or component thereof is not meeting function or purpose).
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a GFCI outlet or GFCI breaker does not have visible damage and the test or reset button is inoperable, and a ground fault occurs, there may be an increased safety risk to the resident of electrical shock, which may result in injury.</p> <p>If a GFCI outlet or GFCI breaker does not have visible damage and the test or reset button is inoperable, then the resident may not be able to test or reset the GFCI outlet or GFCI breaker, which may result in limited use of devices.</p> <p>Property management would be expected to ensure that staff members understand how to identify a GFCI outlet or GFCI breaker that does not have visible damage and the test or reset button is inoperable. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards or usability barriers.</p>

**Deficiency 1 – Electrical – Ground-Fault Circuit Interrupter (GFCI) or Arc-Fault Circuit Interrupter (AFCI) – Outlet or Breaker: Inside**

<b>Deficiency</b>	GFCI outlet or GFCI breaker is not visibly damaged and the test or reset button is inoperable.
<b>Deficiency Criteria</b>	GFCI outlet or GFCI breaker does not have visible damage and the test or reset button is inoperable (i.e., overall system or component thereof is not meeting function or purpose).
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If a GFCI outlet or GFCI breaker does not have visible damage and the test or reset button is inoperable, and a ground fault occurs, there may be an increased safety risk to the resident of electrical shock, which may result in injury.</p> <p>If a GFCI outlet or GFCI breaker does not have visible damage and the test or reset button is inoperable, then the resident may not be able to test or reset the GFCI outlet or GFCI breaker, which may result in limited use of devices.</p> <p>Property management would be expected to ensure that staff members understand how to identify a GFCI outlet or GFCI breaker that does not have visible damage and the test or reset button is inoperable. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards or usability barriers.</p>
<b>Deficiency 1 – Electrical – Ground-Fault Circuit Interrupter (GFCI) or Arc-Fault Circuit Interrupter (AFCI) – Outlet or Breaker: Outside</b>	
<b>Deficiency</b>	GFCI outlet or GFCI breaker is not visibly damaged and the test or reset button is inoperable.
<b>Deficiency Criteria</b>	GFCI outlet or GFCI breaker does not have visible damage and the test or reset button is inoperable (i.e., overall system or component thereof is not meeting function or purpose).
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a GFCI outlet or GFCI breaker does not have visible damage and the test or reset button is inoperable, and a ground fault occurs, there may be an increased safety risk to the resident of electrical shock, which may result in injury.</p> <p>If a GFCI outlet or GFCI breaker does not have visible damage and the test or reset button is inoperable, then the resident may not be able to test or reset the GFCI outlet or GFCI breaker, which may result in limited use of devices.</p> <p>Property management would be expected to ensure that staff members understand how to identify a GFCI outlet or GFCI breaker that does not have visible damage and the test or reset button is inoperable. Management</p>

practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards or usability barriers.

**Deficiency 2 – Electrical – Ground-Fault Circuit Interrupter (GFCI) or Arc-Fault Circuit Interrupter (AFCI) – Outlet or Breaker: Unit**

<b>Deficiency</b>	AFCI outlet or AFCI breaker is not visibly damaged and the test or reset button is inoperable.
<b>Deficiency Criteria</b>	AFCI outlet or AFCI breaker does not have visible damage and the test or reset button is inoperable (i.e., overall system or component thereof is not meeting function or purpose).
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If an AFCI outlet or AFCI breaker does not have visible damage and the test or reset button is inoperable, and an arc fault occurs, there may be an increased safety risk to the resident of fire, which may result in injury.</p> <p>If an AFCI outlet or AFCI breaker does not have visible damage and the test or reset button is inoperable, then the resident may not be able to test or reset the AFCI outlet or AFCI breaker, which may result in limited use of devices.</p> <p>Property management would be expected to ensure that staff members understand how to identify an AFCI outlet or AFCI breaker that does not have visible damage and the test or reset button is inoperable.</p> <p>Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in safety hazards or usability barriers.</p>

**Deficiency 2 – Electrical – Ground-Fault Circuit Interrupter (GFCI) or Arc-Fault Circuit Interrupter (AFCI) – Outlet or Breaker: Inside**

<b>Deficiency</b>	AFCI outlet or AFCI breaker is not visibly damaged and the test or reset button is inoperable.
<b>Deficiency Criteria</b>	AFCI outlet or AFCI breaker does not have visible damage and the test or reset button is inoperable (i.e., overall system or component thereof is not meeting function or purpose).

<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If an AFCI outlet or AFCI breaker does not have visible damage and the test or reset button is inoperable, and an arc fault occurs, there may be an increased safety risk to the resident of fire, which may result in injury.</p> <p>If an AFCI outlet or AFCI breaker does not have visible damage and the test or reset button is inoperable, then the resident may not be able to test or reset the AFCI outlet or AFCI breaker, which may result in limited use of devices.</p> <p>Property management would be expected to ensure that staff members understand how to identify an AFCI outlet or AFCI breaker that does not have visible damage and the test or reset button is inoperable.</p> <p>Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in safety hazards or usability barriers.</p>
<b>Deficiency 2 – Electrical – Ground-Fault Circuit Interrupter (GFCI) or Arc-Fault Circuit Interrupter (AFCI) – Outlet or Breaker: Outside</b>	
<b>Deficiency</b>	AFCI outlet or AFCI breaker is not visibly damaged and the test or reset button is inoperable.
<b>Deficiency Criteria</b>	AFCI outlet or AFCI breaker does not have visible damage and the test or reset button is inoperable (i.e., overall system or component thereof is not meeting function or purpose).
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	If an AFCI outlet or AFCI breaker does not have visible damage and the test or reset button is inoperable, and an arc fault occurs, there may be an increased safety risk to the resident of fire, which may result in injury.

If an AFCI outlet or AFCI breaker does not have visible damage and the test or reset button is inoperable, then the resident may not be able to test or reset the AFCI outlet or AFCI breaker, which may result in limited use of devices.

Property management would be expected to ensure that staff members understand how to identify an AFCI outlet or AFCI breaker that does not have visible damage and the test or reset button is inoperable.

Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in safety hazards or usability barriers.

<b>Deficiency 3 – Electrical – Ground-Fault Circuit Interrupter (GFCI) or Arc-Fault Circuit Interrupter (AFCI) – Outlet or Breaker: Unit</b>		<b>Affirmative Habitability Requirement: Yes</b>
<b>Deficiency</b>	An unprotected outlet is present within six feet of a water source.	
<b>Deficiency Criteria</b>	<p>Outlet is present within six feet of a water source (i.e., sink, bathtub, shower, water faucet, toilet) that is located in the same room.</p> <p>AND</p> <p>Outlet is not GFCI protected.</p>	
<b>Health and Safety Determination</b>	Severe	
<b>Correction Timeframe</b>	24 hours	
<b>HCV Correction Timeframe</b>	30 days	
<b>HCV Pass/Fail</b>	Fail	
<b>Rationale</b>	<p>If a device is plugged into an unprotected outlet that is present within six feet of a water source within the same room, then there may be an increased safety risk to the resident of electrical shock, which may result in injury.</p> <p>Property management would be expected to ensure that staff members understand how to identify an unprotected outlet that is present within six feet of a water source that is located in the same room. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p>	
<b>Deficiency 3 – Electrical – Ground-Fault Circuit Interrupter (GFCI) or Arc-Fault Circuit Interrupter (AFCI) – Outlet or Breaker: Inside</b>		<b>Affirmative Habitability Requirement: Yes</b>
<b>Deficiency</b>	An unprotected outlet is present within six feet of a water source.	

<b>Deficiency Criteria</b>	<p>Outlet is present within six feet of a water source (i.e., sink, bathtub, shower, water faucet, toilet) that is located in the same room.</p> <p>AND</p> <p>Outlet is not GFCI protected.</p>
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a device is plugged into an unprotected outlet that is present within six feet of a water source within the same room, then there may be an increased safety risk to the resident of electrical shock, which may result in injury.</p> <p>Property management would be expected to ensure that staff members understand how to identify an unprotected outlet that is present within six feet of a water source that is located in the same room. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p>
<b>Deficiency 3 – Electrical – Ground-Fault Circuit Interrupter (GFCI) or Arc-Fault Circuit Interrupter (AFCI) – Outlet or Breaker: Outside</b> <b>Affirmative Habitability Requirement: Yes</b>	
<b>Deficiency</b>	An unprotected outlet is present within six feet of a water source.
<b>Deficiency Criteria</b>	<p>Outlet is present throughout the Outside.</p> <p>AND</p> <p>Outlet is not GFCI protected.</p>
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a device is plugged into an unprotected outlet that is present within six feet of a water source, then there may be an increased safety risk to the resident of electrical shock, which may result in injury.</p>

Property management would be expected to ensure that staff members understand how to identify an unprotected outlet that is present throughout the Outside area. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.

**TABLE 17—ELECTRICAL – SERVICE PANEL STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	An enclosure, cabinet, box, or panelboard containing overcurrent protection devices for the control of light, heat, appliances and power circuits.
<b>Location</b>	<p>Unit: Living room, bedroom, kitchen, bathroom, closet, hallway, office, mechanical room, any wall surface, emergency generator, trash compactor, garage, and storage.</p> <p>Inside: Living room, kitchen, bathroom, closet, hallway, office, mechanical room, any wall surface, emergency generator, trash compactor, garage, storage, and all common areas.</p> <p>Outside: Anywhere on site, any wall surface, HVAC condensers, emergency generator, and trash compactor.</p>
<b>Deficiency 1 – Electrical – Service Panel: Unit</b>	
<b>Deficiency</b>	Electrical service panel is not readily accessible.
<b>Deficiency Criteria</b>	Electrical service panel is not reasonably accessible (i.e., cannot be reached and opened without moving obstructions, dismantling, destructive measures, or actions that may pose a risk to persons or property).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the electrical service panel is not reasonably accessible and there is a need to shutoff the electrical circuit, there may be an increased safety risk to the resident of fire or electrical shock, which may result in injury.</p> <p>If the electrical service panel is not reasonably accessible, then the resident may not be able to reset a tripped breaker, which may result in limited use of appliances or lighting fixtures.</p>

Property management would be expected to ensure that staff members understand how to identify if an electrical service panel is not reasonably accessible. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in safety hazards or usability barriers.

#### **Deficiency 1 – Electrical – Service Panel: Inside**

<b>Deficiency</b>	Electrical service panel is not readily accessible.
<b>Deficiency Criteria</b>	Electrical service panel is not reasonably accessible (i.e., cannot be reached and opened without moving obstructions, dismantling, destructive measures, or actions that may pose a risk to persons or property).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the electrical service panel is not reasonably accessible and there is a need to shutoff the electrical circuit, there may be an increased safety risk to the resident of fire or electrical shock, which may result in injury.</p> <p>If the electrical service panel is not reasonably accessible, then the resident may not be able to reset a tripped breaker, which may result in limited use of appliances or lighting fixtures.</p> <p>Property management would be expected to ensure that staff members understand how to identify if an electrical service panel is not reasonably accessible. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in safety hazards or usability barriers.</p>

#### **Deficiency 1 – Electrical – Service Panel: Outside**

<b>Deficiency</b>	Electrical service panel is not readily accessible.
<b>Deficiency Criteria</b>	Electrical service panel is not reasonably accessible (i.e., cannot be reached and opened without moving obstructions, dismantling, destructive measures, or actions that may pose a risk to persons or property).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days

<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the electrical service panel is not reasonably accessible and there is a need to shutoff the electrical circuit, there may be an increased safety risk to the resident of fire or electrical shock, which may result in injury.</p> <p>If the electrical service panel is not reasonably accessible, then the resident may not be able to reset a tripped breaker, which may result in limited use of appliances or lighting fixtures.</p> <p>Property management would be expected to ensure that staff members understand how to identify if an electrical service panel is not reasonably accessible. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in safety hazards or usability barriers.</p>
<b>Deficiency 2 – Electrical – Service Panel: Unit</b>	
<b>Deficiency</b>	The overcurrent protection device is damaged.
<b>Deficiency Criteria</b>	The overcurrent protection device (i.e., fuse or breaker) is damaged (i.e., visibly defective; impacts functionality) such that it may not interrupt the circuit during an overcurrent condition.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the overcurrent protection device is damaged, then it may malfunction and not provide overcurrent protection when required, resulting in an increased safety risk to the resident of fire or electrical shock, which may result in injury or death.</p> <p>If the overcurrent protection device is damaged, then the resident will not be able to safely reset or replace an overcurrent protection device, which may result in limited use of appliances or lighting fixtures.</p> <p>If the overcurrent protection device is damaged, and it malfunctions resulting in the resident's inability to use an appliance or lighting fixture, then the resident is likely to notice this issue and will report it to property management because it may present usability barriers. Property</p>

management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards or usability barriers.

#### **Deficiency 2 – Electrical – Service Panel: Inside**

<b>Deficiency</b>	The overcurrent protection device is damaged.
<b>Deficiency Criteria</b>	The overcurrent protection device (i.e., fuse or breaker) is damaged (i.e., visibly defective; impacts functionality) such that it may not interrupt the circuit during an overcurrent condition.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the overcurrent protection device is damaged, then it may malfunction and not provide overcurrent protection when required, resulting in an increased safety risk to the resident of fire or electrical shock, which may result in injury or death.</p> <p>If the overcurrent protection device is damaged, then the resident will not be able to safely reset or replace an overcurrent protection device, which may result in limited use of appliances or lighting fixtures.</p> <p>Property management would be expected to ensure that staff understand how to identify an overcurrent protections device that is damaged. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in safety hazards or usability barriers.</p>

#### **Deficiency 2 – Electrical – Service Panel: Outside**

<b>Deficiency</b>	The overcurrent protection device is damaged.
<b>Deficiency Criteria</b>	The overcurrent protection device (i.e., fuse or breaker) is damaged (i.e., visibly defective; impacts functionality) such that it may not interrupt the circuit during an overcurrent condition.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours

<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the overcurrent protection device is damaged, then it may malfunction and not provide overcurrent protection when required, resulting in an increased safety risk to the resident of fire or electrical shock, which may result in injury or death.</p> <p>If the overcurrent protection device is damaged, then the resident will not be able to safely reset or replace an overcurrent protection device, which may result in limited use of appliances or lighting fixtures.</p> <p>Property management would be expected to ensure that staff understand how to identify an overcurrent protections device that is damaged. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in safety hazards or usability barriers.</p>
<b>Deficiency 3 – Electrical – Service Panel: Unit</b>	
<b>Deficiency</b>	The overcurrent protection device is contaminated.
<b>Deficiency Criteria</b>	The overcurrent protection device (i.e., fuse or breaker) is contaminated (e.g., water, rust, corrosion).
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the overcurrent protection device is contaminated, then it may malfunction and not provide overcurrent protection when required, resulting in an increased safety risk to the resident of fire, which may result in injury.</p> <p>If the overcurrent protection device is contaminated, then the resident may not be able to safely reset or replace an overcurrent protection device, which may result in limited use of appliances or lighting fixtures.</p> <p>Property management would be expected to ensure that staff members understand how to identify a contaminated overcurrent protection device. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in safety hazards or usability barriers.</p>
<b>Deficiency 3 – Electrical – Service Panel: Inside</b>	

<b>Deficiency</b>	The overcurrent protection device is contaminated.
<b>Deficiency Criteria</b>	The overcurrent protection device (i.e., fuse or breaker) is contaminated (e.g., water, rust, corrosion).
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the overcurrent protection device is contaminated, then it may malfunction and not provide overcurrent protection when required, resulting in an increased safety risk to the resident of fire, which may result in injury.</p> <p>If the overcurrent protection device is contaminated, then the resident may not be able to safely reset or replace an overcurrent protection device, which may result in limited use of appliances or lighting fixtures.</p> <p>Property management would be expected to ensure that staff members understand how to identify a contaminated overcurrent protection device. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in safety hazards or usability barriers.</p>

### **Deficiency 3 – Electrical – Service Panel: Outside**

<b>Deficiency</b>	The overcurrent protection device is contaminated.
<b>Deficiency Criteria</b>	The overcurrent protection device (i.e., fuse or breaker) is contaminated (e.g., water, rust, corrosion).
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the overcurrent protection device is contaminated, then it may malfunction and not provide overcurrent protection when required, resulting in an increased safety risk to the resident of fire, which may result in injury.</p>

If the overcurrent protection device is contaminated, then the resident may not be able to safely reset or replace an overcurrent protection device, which may result in limited use of appliances or lighting fixtures.

Property management would be expected to ensure that staff members understand how to identify a contaminated overcurrent protection device. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in safety hazards or usability barriers.

**TABLE 18—ELEVATOR STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A vertical transport vehicle, generally powered by electric motors that either drive traction cables and counterweight systems or pump hydraulic fluid to raise a cylindrical piston.
<b>Location</b>	Inside: Hallway, building entrance or lobby, parking garage.
<b>Deficiency 1 – Elevator: Inside</b>	
<b>Deficiency</b>	Elevator is inoperable.
<b>Deficiency Criteria</b>	Elevator is inoperable (i.e., overall system or component thereof not meeting function or purpose; with or without visible damage).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the elevator is inoperable, then the resident’s accessibility and egress or ingress is reduced. If the elevator is inoperable, then the resident may be trapped inside the elevator.</p> <p>If the elevator is inoperable, then the resident may be unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>If the elevator is inoperable, then the resident will likely report this deficiency, and presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p>

If the elevator is inoperable, then this will likely be identified through routine maintenance activities, and the presence of this deficiency may indicate that self-generated work orders are not being addressed.

If the elevator is inoperable, then capital costs may be required to repair the deficiency.

#### **Deficiency 2 – Elevator: Inside**

<b>Deficiency</b>	Elevator door does not fully open and close.
<b>Deficiency Criteria</b>	Elevator door does not fully open and close.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the elevator door does not fully open and close, the elevator may be inaccessible for individuals who use wheelchairs and there may be an increased safety risk to the resident due to fall hazards, which may result in injury.</p> <p>If the elevator door does not fully open and close, then the resident may be unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify when an elevator door does not fully open and close. Management practices would be expected to assure prompt creation and prioritization of a work order to repair the elevator door because it may result in safety hazards or usability barriers.</p> <p>Elevators should be checked during periodic property inspections, and according to industry best practices, should be included in a preventative maintenance plan. If the elevator door does not fully open and close, then it may indicate preventative maintenance activities could be improved.</p>

#### **Deficiency 3 – Elevator: Inside**

<b>Deficiency</b>	Elevator cab is not level with the floor.
<b>Deficiency Criteria</b>	There is more than a ¼-inch difference in level between the elevator cab and the building's floor.
<b>Health and Safety Determination</b>	Moderate

<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the elevator cab is not level with the floor, then it may be inaccessible for individuals with mobility disabilities and there is a trip hazard for the resident.</p> <p>If the elevator cab is not level with the floor, then the resident will likely report this deficiency, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>If the elevator cab is not level with the floor, then this will likely be identified through routine maintenance activities, and the presence of this deficiency may indicate that self-generated work orders are not being addressed.</p> <p>Elevators should be checked during periodic property inspections, and according to industry best practices, should be included in a preventative maintenance plan. If the elevator cab is not level with the floor, this may indicate that preventative maintenance activities are not being addressed.</p>

#### Deficiency 4 – Elevator: Inside

<b>Deficiency</b>	Safety edge device has malfunctioned or is inoperable
<b>Deficiency Criteria</b>	Safety edge device has malfunctioned or is inoperable (i.e., overall system or component thereof is not meeting function or purpose; with or without visible damage).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the safety edge device has malfunctioned or is inoperable, then the resident may be injured by the closing door.</p> <p>If the safety edge device has malfunctioned or is inoperable, then the resident may be unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify a safety edge device that has malfunctioned or</p>

is inoperable. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.

Elevators should be checked during periodic property inspections, and according to industry best practices, should be included in a preventative maintenance plan. If the elevator safety edge device has malfunctioned or is inoperable, this may indicate that preventative maintenance activities are not being addressed.

**TABLE 19—EXIT SIGN STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	Device or placard that identifies the egress route in case of an emergency.
<b>Location</b>	Inside: Hallway; stairway; corridor.
	Outside: Hallway; stairway; corridor.
<b>Deficiency 1 – Exit Sign: Inside</b>	
<b>Deficiency</b>	Exit sign is damaged, missing, obstructed, or not adequately illuminated.
<b>Deficiency Criteria</b>	Exit sign is damaged (i.e., visibly defective; impacts functionality).
	OR
	Exit sign is missing (i.e., evidence of prior installation, but is now not present or is incomplete).
	OR
	Exit sign is obstructed such that the word “EXIT” is not clearly visible.
<b>Health and Safety Determination</b>	OR
	Exit sign is not adequately illuminated.
	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If an exit sign is damaged, missing, obstructed, or not adequately illuminated, and there is an emergency, then the resident may be unable to safely and expeditiously exit.</p> <p>If an exit sign is damaged, missing, obstructed, or not adequately illuminated, and there is an emergency, then the resident may be unable to safely and expeditiously exit.</p> <p>Property management would be expected to ensure that staff understand how to identify an exit sign that is damaged, missing, obstructed, or not adequately illuminated. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in health or safety hazards.</p>
<b>Deficiency 1 – Exit Sign: Outside</b>	
<b>Deficiency</b>	Exit sign is damaged, missing, obstructed, or not adequately illuminated.
<b>Deficiency Criteria</b>	<p>Exit sign is damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>Exit sign is missing (i.e., evidence of prior installation, but is now not present or is incomplete).</p> <p>OR</p> <p>Exit sign is obstructed such that the word “EXIT” is not clearly visible.</p> <p>OR</p> <p>Exit sign is not adequately illuminated.</p>
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If an exit sign is damaged, missing, obstructed, or not adequately illuminated, and there is an emergency, then the resident may be unable to safely and expeditiously exit.</p> <p>If an exit sign is damaged, missing, obstructed, or not adequately illuminated, and there is an emergency, then the resident may be unable to safely and expeditiously exit.</p> <p>Property management would be expected to ensure that staff understand how to identify an exit sign that is damaged, missing, obstructed, or not</p>

adequately illuminated. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in health or safety hazards.

**TABLE 20—FENCE AND GATE STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	<p>Fence: A barrier, railing, or other upright structure to control access.</p> <p>Gate: A moveable barrier that closes an opening in a wall or fence.</p>
<b>Location</b>	Outside: Throughout the exterior, parking area
<b>Deficiency 1 – Fence – Security: Outside</b>	
<b>Deficiency</b>	Fence component is missing.
<b>Deficiency Criteria</b>	Fence component is missing (i.e., evidence of prior installation, but now not present or is incomplete), resulting in a hole that is approximately 20% or greater of the area of a single section of fence.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a fence component is missing, and it falls, then the resident may be exposed to hazards.</p> <p>If a fence component is missing, then the resident may be unable to control access to the property.</p> <p>If a fence component is missing, then it may limit the privacy of the property.</p> <p>If a fence component is missing, then the resident may be unable to use a feature of the home that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff understand how to identify if a fence component is missing. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety or security hazards or usability barriers.</p>

**Deficiency 2 – Fence – Security: Outside**

<b>Deficiency</b>	Gate does not open, close, latch, or lock.
<b>Deficiency Criteria</b>	Gate will not open.  OR  Gate will open when locked or latched.  OR  Gate will not close.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a gate does not open, and there is an emergency, then the resident may be limited in their ability to leave the property or this may delay entry by emergency personnel.</p> <p>If a gate does not close, latch, or lock, then the resident may be unable to control access to the property.</p> <p>If a gate does not open, close, latch, or lock, then the resident may not be able to fully use a feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff understand how to identify if a gate does not open, close, latch, or lock. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety or security hazards or usability barriers.</p>

**Deficiency 3 – Fence – Security: Outside**

<b>Deficiency</b>	Fence demonstrates signs of collapse.
<b>Deficiency Criteria</b>	Fence demonstrates signs of collapse.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days

<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a fence demonstrates signs of collapse, then it may present a hazard to the resident.</p> <p>If a fence demonstrates signs of collapse, then the resident may not be able to control access to the property.</p> <p>If a fence demonstrates signs of collapse, then the resident may not be able to fully use a feature that is expected to be included and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff understand how to identify if a fence demonstrates signs of collapse. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety or security hazards or usability barriers.</p>

**TABLE 21—FIRE ESCAPE STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	An apparatus on the outside of a building used for escaping from a building on fire.
<b>Location</b>	Outside: Exterior of building—typically high-rises and other multi-story buildings—near windows and exterior doors.
<b>Deficiency 1 – Fire Escape: Outside</b>	
<b>Deficiency</b>	Fire escape component is damaged or missing.
<b>Deficiency Criteria</b>	<p>Any stair, ladder, platform, guardrail, or handrail is damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>Any stair, ladder, platform, guardrail, or handrail is missing (i.e., evidence of prior installation, but now not present or is incomplete).</p>
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail

**Rationale**

If a fire escape component is damaged or missing, and there is an emergency, then resident may sustain an injury when using.

If a fire escape component is damaged or missing, and there is an emergency, then the resident's ability to safely egress the building is limited, which may jeopardize their safety.

If a fire escape component is damaged or missing, then the resident may be unable to fully use a feature that is expected to be provided and maintained as part of their rent.

If a fire escape component is damaged or missing, then it should be detected through daily maintenance activities and its presence may indicate that self-generated work orders are not being addressed.

If a fire escape component is damaged or missing, then property management may not be following their preventative maintenance plan.

If a fire escape component is damaged or missing, then it may be very expensive to replace or fix the defect.

**TABLE 22—FIRE EXTINGUISHER STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A portable fire safety device that discharges a jet of water, foam, gas, or other material to extinguish a fire.
<b>Location</b>	<p>Unit: Includes, but is not limited to: hallways, kitchens, laundry rooms, mechanical rooms.</p> <p>Inside: Includes, but is not limited to: hallways, kitchens, laundry rooms, common areas, mechanical rooms.</p> <p>Outside: Parking garages, breezeways, property exterior, roof tops.</p>
<b>Deficiency 1 – Fire Extinguisher: Unit</b>	
<b>Deficiency</b>	Fire extinguisher pressure gauge reads over or under-charged.
<b>Deficiency Criteria</b>	Pressure gauge indicates that the fire extinguisher is over or under-charged.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If a fire extinguisher pressure gauge reads over or under-charged, and there is a fire, then the resident may be injured.</p> <p>If a fire extinguisher pressure gauge reads over or under-charged, then the resident may be unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>If a fire extinguisher pressure gauge reads over or under-charged, then this should be identified through routine maintenance, and the presence of this deficiency may indicate that self-generated work orders are not being addressed.</p> <p>If a fire extinguisher pressure gauge reads over or under-charged, then it may indicate that preventative maintenance activities are not occurring.</p>
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#### **Deficiency 1 – Fire Extinguisher: Inside**

<b>Deficiency</b>	Fire extinguisher pressure gauge reads over or under-charged.
<b>Deficiency Criteria</b>	Pressure gauge indicates that the fire extinguisher is over or under-charged.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a fire extinguisher pressure gauge reads over or under-charged, and there is a fire, then the resident may be injured.</p> <p>If a fire extinguisher pressure gauge reads over or under-charged, then the resident may be unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>If a fire extinguisher pressure gauge reads over or under-charged, then this should be identified through routine maintenance and the presence of this deficiency may indicate that self-generated work orders are not being addressed.</p> <p>If a fire extinguisher pressure gauge reads over or under-charged, then it may indicate that preventative maintenance activities are not occurring.</p>

#### **Deficiency 1 – Fire Extinguisher: Outside**

<b>Deficiency</b>	Fire extinguisher pressure gauge reads over or under-charged.
<b>Deficiency Criteria</b>	Pressure gauge indicates that the fire extinguisher is over or under-charged.

<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a fire extinguisher pressure gauge reads over or under-charged, and there is a fire, then the resident may be injured.</p> <p>If a fire extinguisher pressure gauge reads over or under-charged, then the resident may be unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>If a fire extinguisher pressure gauge reads over or under-charged, then this should be identified through routine maintenance and the presence of this deficiency may indicate that self-generated work orders are not being addressed.</p> <p>If a fire extinguisher pressure gauge reads over or under-charged, then it may indicate that preventative maintenance activities are not occurring.</p>

#### **Deficiency 2 – Fire Extinguisher: Unit**

<b>Deficiency</b>	Fire extinguisher service tag is missing, illegible, or expired.
<b>Deficiency Criteria</b>	<p>The date on the service tag of any fire extinguisher has exceeded one year.</p> <p>OR</p> <p>The fire extinguisher tag is missing or illegible.</p> <p>OR</p> <p>A nonchargeable or disposable fire extinguisher is more than 12 years old (based on manufacture date).</p>
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	If a fire extinguisher service tag is missing, illegible, or expired, and there is a fire, then it may not function and result in the resident being unable to extinguish the fire.

If a fire extinguisher service tag is missing, illegible, or expired, then the resident may be unable to use a feature that is expected to be provided and maintained as part of their rent.

If a fire extinguisher service tag is missing, illegible, or expired, then this should be identified through routine maintenance, and the presence of this deficiency may indicate that self-generated work orders are not being addressed.

If a fire extinguisher service tag is missing, illegible, or expired, then it may indicate that preventative maintenance activities are not occurring.

#### **Deficiency 2 – Fire Extinguisher: Inside**

<b>Deficiency</b>	Fire extinguisher service tag is missing, illegible, or expired.
<b>Deficiency Criteria</b>	<p>The date on the service tag of any fire extinguisher has exceeded one year.</p> <p>OR</p> <p>The fire extinguisher tag is missing or illegible.</p> <p>OR</p> <p>A nonchargeable or disposable fire extinguisher is more than 12 years old (based on manufacture date).</p>
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a fire extinguisher service tag is missing, illegible, or expired, and there is a fire, then it may not function and result in the resident being unable to extinguish the fire.</p> <p>If a fire extinguisher service tag is missing, illegible, or expired, then the resident may be unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>If a fire extinguisher service tag is missing, illegible, or expired, then this should be identified through routine maintenance, and the presence of this deficiency may indicate that self-generated work orders are not being addressed.</p> <p>If a fire extinguisher service tag is missing, illegible, or expired, then it may indicate that preventative maintenance activities are not occurring.</p>

**Deficiency 2 – Fire Extinguisher: Outside**

<b>Deficiency</b>	Fire extinguisher service tag is missing, illegible, or expired.
<b>Deficiency Criteria</b>	<p>The date on the service tag of any fire extinguisher has exceeded one year.</p> <p>OR</p> <p>The fire extinguisher tag is missing or illegible.</p> <p>OR</p> <p>A nonchargeable or disposable fire extinguisher is more than 12 years old (based on manufacture date).</p>
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a fire extinguisher service tag is missing, illegible, or expired, and there is a fire, then it may not function and result in the resident being unable to extinguish the fire.</p> <p>If a fire extinguisher service tag is missing, illegible, or expired, then the resident may be unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>If a fire extinguisher service tag is missing, illegible, or expired, then this should be identified through routine maintenance, and the presence of this deficiency may indicate that self-generated work orders are not being addressed.</p> <p>If a fire extinguisher service tag is missing, illegible, or expired, then it may indicate that preventative maintenance activities are not occurring.</p>

**Deficiency 3 – Fire Extinguisher: Unit**

<b>Deficiency</b>	Fire extinguisher is damaged or missing.
<b>Deficiency Criteria</b>	<p>Fire extinguisher is damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>Fire extinguisher is missing (i.e., evidence of prior installation, but now not present or is incomplete).</p>
<b>Health and Safety Determination</b>	Life-Threatening

<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a fire extinguisher is damaged or missing and there is a fire, then there may be an increased safety risk to the resident of fire-related injury, such as burns or smoke inhalation.</p> <p>If a fire extinguisher is damaged or missing, then the resident may not be able to use the fire extinguisher in the event of a fire.</p> <p>A resident is likely to notice if a fire extinguisher is damaged or missing and to recognize it is important enough to report to property management because it may present safety hazards. Property management should be expected to prioritize a work order to remedy this defect because it may result in safety hazards.</p>
<b>Deficiency 3 – Fire Extinguisher: Inside</b>	
<b>Deficiency</b>	Fire extinguisher is damaged or missing.
<b>Deficiency Criteria</b>	<p>Fire extinguisher is damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>Fire extinguisher is missing (i.e., evidence of prior installation, but now not present or is incomplete).</p>
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a fire extinguisher is damaged or missing and there is a fire, then there may be an increased safety risk to the resident of fire-related injury, such as burns or smoke inhalation.</p> <p>If a fire extinguisher is damaged or missing, then the resident may not be able to use the fire extinguisher in the event of a fire.</p> <p>Property management would be expected to ensure that staff understand how to identify if a fire extinguisher is damaged or missing. Management practices would be expected to assure prompt creation and prioritization of</p>

a work order to remedy this defect, because it may result in safety hazards or usability barriers.

<b>Deficiency 3 – Fire Extinguisher: Outside</b>	
<b>Deficiency</b>	Fire extinguisher is damaged or missing.
<b>Deficiency Criteria</b>	Fire extinguisher is damaged (i.e., visibly defective; impacts functionality).  OR  Fire extinguisher is missing (i.e., evidence of prior installation, but now not present or is incomplete).
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a fire extinguisher is damaged or missing and there is a fire, then there may be an increased safety risk to the resident of fire-related injury, such as burns or smoke inhalation.</p> <p>If a fire extinguisher is damaged or missing, then the resident may not be able to use the fire extinguisher in the event of a fire.</p> <p>Property management would be expected to ensure that staff understand how to identify if a fire extinguisher is damaged or missing. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety hazards or usability barriers.</p>

**TABLE 23—FLAMMABLE AND COMBUSTIBLE ITEM STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A combustible material is any material that, in the form in which it is used and under the conditions anticipated, will ignite and burn or will add appreciable heat to an ambient fire.
<b>Location</b>	<p>Unit: Within Unit, near water heater, furnace, stove, oven, fireplace, garage, attic, basement.</p> <p>Inside: Near water heater, near furnace, stove, oven, fireplace, garage, attic, basement.</p>

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Outside: Outside of Unit, yard.

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**Deficiency 1 – Flammable and Combustible Item: Unit**

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<b>Deficiency</b>	Flammable or combustible item is on or within 3 feet of an appliance that provides heat for thermal comfort or a fuel-burning water heater.  OR  Improperly stored chemicals.
<b>Deficiency Criteria</b>	Flammable or combustible item is on or within 3 feet of an appliance that provides heat for thermal comfort or a fuel-burning water heater.  OR  Improperly stored chemicals.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a flammable or combustible item is on or within 3 feet of an appliance that provides heat for thermal comfort or a fuel-burning water heater or there are improperly stored chemicals, then there may be an increased safety risk to the resident due to fire or explosion.</p> <p>Property management would be expected to ensure that staff members understand how to identify a flammable or combustible item that is on or within 3 feet of an appliance that provides heat for thermal comfort or a fuel-burning water heater or there are improperly stored chemicals. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p>

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**Deficiency 1 – Flammable and Combustible Item: Inside**

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<b>Deficiency</b>	Flammable or combustible item is on or within 3 feet of an appliance that provides heat for thermal comfort or a fuel-burning water heater.  OR  Improperly stored chemicals.
<b>Deficiency Criteria</b>	Flammable or combustible item is on or within 3 feet of an appliance that provides heat for thermal comfort or a fuel-burning water heater.  OR

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	Improperly stored chemicals.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a flammable or combustible item is on or within 3 feet of an appliance that provides heat for thermal comfort or a fuel-burning water heater or there are improperly stored chemicals, then there may be an increased safety risk to the resident due to fire or explosion.</p> <p>Property management would be expected to ensure that staff members understand how to identify a flammable or combustible item that is on or within 3 feet of an appliance that provides heat for thermal comfort or a fuel-burning water heater or there are improperly stored chemicals. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p>

#### **Deficiency 1 – Flammable and Combustible Item: Outside**

<b>Deficiency</b>	<p>Flammable or combustible item is on or within 3 feet of an appliance that provides heat for thermal comfort or a fuel-burning water heater.</p> <p>OR</p> <p>Improperly stored chemicals.</p>
<b>Deficiency Criteria</b>	<p>Flammable or combustible item is on or within 3 feet of an appliance that provides heat for thermal comfort or a fuel-burning water heater.</p> <p>OR</p> <p>Improperly stored chemicals.</p>
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If a flammable or combustible item is on or within 3 feet of an appliance that provides heat for thermal comfort or a fuel-burning water heater or there are improperly stored chemicals, then there may be an increased safety risk to the resident due to fire or explosion.</p> <p>Property management would be expected to ensure that staff members understand how to identify a flammable or combustible item that is on or within 3 feet of an appliance that provides heat for thermal comfort or a fuel-burning water heater or there are improperly stored chemicals. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p>
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**TABLE 24—FLOOR STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	Lower surface of a room.
<b>Location</b>	<p>Unit: Dining room, living room, kitchen, bathroom, bedroom, closet, hallway, or other unit spaces.</p> <p>Inside: Dining room, living room, kitchen, bathroom, closet, hallway, or other common spaces.</p>
<b>Deficiency 1 – Floor: Unit</b>	
<b>Deficiency</b>	Floor substrate is exposed.
<b>Deficiency Criteria</b>	10% or more of the floor substrate area is exposed in any room.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If 10% or more of the floor substrate area is exposed in any room, then it is not a cleanable surface and could harbor pathogens, mold, mildew, dust, or allergens, thereby impacting the resident's physical health.</p> <p>If 10% or more of the floor substrate area is exposed in any room, then the resident may be injured by splinters or trip hazards.</p> <p>If 10% or more of the floor substrate area is exposed in any room, then it is not a cleanable covering and could harbor mold, mildew, dust, or allergens.</p>

If 10% or more of the floor substrate area is exposed in any room, then the resident may be unable to fully use a feature of their home that is expected to be provided and maintained as part of their rent.

If 10% or more of the floor substrate area is exposed in any room, then the resident will likely report this deficiency and its presence may indicate that complaint-based work orders are not being addressed.

If 10% or more of the floor substrate area is exposed in any room, then this will likely be observed during routine maintenance activities and may indicate that self-generated work orders are not being addressed.

If 10% or more of the floor substrate area is exposed in any room, and it is occurring across a significant portion of the property, then it may result in a capital cost expenditure to repair the deficiency.

#### **Deficiency 1 – Floor: Inside**

<b>Deficiency</b>	Floor substrate is exposed.
<b>Deficiency Criteria</b>	10% or more of the floor substrate area is exposed in any room.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If 10% or more of the floor substrate area is exposed in any room, then it is not a cleanable surface and could harbor pathogens, mold, mildew, dust, or allergens, thereby impacting the resident's physical health.</p> <p>If 10% or more of the floor substrate area is exposed in any room, then the resident may be injured via splinters or trip hazards.</p> <p>If 10% or more of the floor substrate area is exposed in any room, then it is not a cleanable covering and could harbor mold, mildew, dust, or allergens.</p> <p>If 10% or more of the floor substrate area is exposed in any room, then the resident may be unable to fully use a feature of their home that is expected to be provided and maintained as part of their rent.</p> <p>If 10% or more of the floor substrate area is exposed in any room, then the resident will likely report this deficiency and its presence may indicate that complaint-based work orders are not being addressed.</p>

If 10% or more of the floor substrate area is exposed in any room, then this will likely be observed during routine maintenance activities and may indicate that self-generated work orders are not being addressed.

If 10% or more of the floor substrate area is exposed in any room, and it is occurring across a significant portion of the property, then it may result in a capital cost expenditure to repair the deficiency.

#### **Deficiency 2 – Floor: Unit**

<b>Deficiency</b>	Floor component(s) is not functionally adequate.
<b>Deficiency Criteria</b>	Floor component(s) is not functionally adequate (i.e., does not allow floor to separate levels or to be walked on).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the floor component(s) is not functionally adequate, and there is wood rot, then the resident may be exposed to health hazards.</p> <p>If the floor component(s) is not functionally adequate, and there are uneven surfaces, then there may be an increased safety risk to the resident due to trip hazards.</p> <p>A resident is likely to notice if a floor component(s) is not functionally adequate and to recognize it is important enough to report it to property management because it may present health and safety hazards. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in health and safety hazards.</p>

#### **Deficiency 2 – Floor: Inside**

<b>Deficiency</b>	Floor component(s) is not functionally adequate.
<b>Deficiency Criteria</b>	Floor component(s) is not functionally adequate (i.e., does not allow floor to separate levels or to be walked on).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days

<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the floor component(s) is not functionally adequate, and there is wood rot, then the resident may be exposed to health hazards.</p> <p>If the floor component(s) is not functionally adequate, and there are uneven surfaces, then there may be an increased safety risk to the resident due to trip hazards.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a floor component(s) is not functionally adequate. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in health and safety hazards.</p>

**TABLE 25—FOOD PREPARATION AREA STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	Flat surfaces designed, arranged, intended, or used for cooking or otherwise making food ready for consumption.
<b>Location</b>	<p>Unit: Kitchen or food preparation space.</p> <p>Inside: Kitchen or food preparation space.</p>
<b>Deficiency 1 – Food Preparation Area: Unit</b>	
<b>Deficiency</b>	Food preparation area is not present.
<b>Deficiency Criteria</b>	Food preparation area is not present.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a food preparation area is not present, then the resident's ability to prepare food safely and in a sanitary manner may be limited.</p> <p>If a food preparation area is not present, then the resident is unable to use a feature of the home that is expected to be provided and maintained as part of their rent and may not be able to safely prepare food.</p> <p>A resident is likely to notice if a food preparation area is not present and to recognize it is important enough to report to property management</p>

because it may present sanitation hazards and usability barriers. Property management should be expected to prioritize a work order to remedy this defect because it may result in sanitation hazards or usability barriers.

#### **Deficiency 2 – Food Preparation Area: Unit**

<b>Deficiency</b>	Food preparation area is damaged or is not functionally adequate.
<b>Deficiency Criteria</b>	Exposed substrate surface comprises at least 10% or more of the total food preparation area.  OR  The food preparation area is not functionally adequate (i.e., does not reasonably allow for adequate preparation of food).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the food preparation area has exposed substrate or is not functionally adequate, then the resident's ability to prepare food safely and in a sanitary manner may be impacted.</p> <p>If the food preparation area has exposed substrate or is not functionally adequate, then the resident may be unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice if the food preparation area has exposed substrate or is not functionally adequate and to recognize it is important enough to report to property management because it may present sanitation hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this defect because it may result in sanitation hazards or usability barriers.</p>

#### **Deficiency 2 – Food Preparation Area: Inside**

<b>Deficiency</b>	Food preparation area is damaged or is not functionally adequate.
<b>Deficiency Criteria</b>	Exposed substrate surface comprises at least 10% or more of the total food preparation area.  OR  The food preparation area is not functionally adequate (i.e., does not reasonably allow for adequate preparation of food).

<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the food preparation area has exposed substrate or is not functionally adequate, then the resident's ability to prepare food safely and in a sanitary manner may be impacted.</p> <p>If the food preparation area has exposed substrate or is not functionally adequate, then the resident may be unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a food preparation area has exposed substrate or is not functionally adequate. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in sanitary hazards or usability barriers.</p>

**TABLE 26—FOUNDATION STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	Lowest load-bearing part of a building.
<b>Location</b>	Unit: Basement; floor; wall; ceiling. Inside: Basement; floor; wall; ceiling. Outside: Exterior of property.
<b>Deficiency 1 – Foundation: Unit</b>	
<b>Deficiency</b>	Foundation is cracked.
<b>Deficiency Criteria</b>	Crack is present with a width of ¼-inch or greater and a length of 12 inches or greater.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days

<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the foundation is cracked, then the structure could be compromised, resulting in potential health hazards to the resident.</p> <p>If the foundation is cracked, then the structure could be compromised, resulting in potential safety hazards to the resident.</p> <p>If the foundation is cracked, then the thermal envelope could be broken, resulting in the home being less energy efficient.</p> <p>It is reasonable to expect the resident to report issues that are characteristics of foundation damage, such as windows and doors not opening or closing.</p> <p>Depending on the extent of the damage, the cost may be significant enough to be a capital cost to repair.</p> <p>A cracked foundation may indicate a potential structural failure.</p>

#### Deficiency 1 – Foundation: Inside

<b>Deficiency</b>	Foundation is cracked.
<b>Deficiency Criteria</b>	Crack is present with a width of ¼-inch or greater and a length of 12 inches or greater.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the foundation is cracked, then the structure could be compromised, resulting in potential health hazards to the resident.</p> <p>If the foundation is cracked, then the structure could be compromised, resulting in potential safety hazards to the resident.</p> <p>It is reasonable to expect the resident to report issues that are characteristics of foundation damage, such as windows and doors not opening or closing.</p> <p>Depending on the extent of the damage, the cost may be significant enough to be a capital cost to repair.</p> <p>If the foundation is cracked, then the thermal envelope could be broken, resulting in the property being less energy efficient.</p>

A cracked foundation may indicate a potential structural failure.

#### **Deficiency 1 – Foundation: Outside**

<b>Deficiency</b>	Foundation is cracked.
<b>Deficiency Criteria</b>	Crack is present with a width of ¼-inch or greater and a length of 12 inches or greater.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the foundation is cracked, then the structure could be compromised, resulting in potential health hazards to the resident.</p> <p>If the foundation is cracked, then the structure could be compromised, resulting in potential safety hazards to the resident.</p> <p>It is reasonable to expect facilities management to recognize issues that are characteristics of foundation damage, such as windows and doors not opening or closing.</p> <p>Depending on the extent of the damage, the cost may be significant enough to be a capital cost to repair.</p> <p>If the foundation is cracked, then the thermal envelope could be broken, resulting in the home being less energy efficient.</p> <p>A cracked foundation may indicate a potential structural failure.</p>

#### **Deficiency 2 – Foundation: Outside**

<b>Deficiency</b>	Foundation vent cover is missing or damaged.
<b>Deficiency Criteria</b>	Foundation vent cover is missing (i.e., evidence of prior installation, but now not present or is incomplete) or damaged (i.e., visibly defective; impacts functionality).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days

<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a foundation vent cover is missing or damaged, then insects or vermin may penetrate the dwelling and damage building components (e.g., electrical, insulation), which may result in an increased safety risk to the resident of injury, such as electrocution.</p> <p>If a foundation vent cover is missing or damaged, then the resident's ability to control access may be limited, which may present a security risk.</p>
<b>Deficiency 3 – Foundation: Unit</b>	
<b>Deficiency</b>	Foundation has exposed rebar or foundation is spalling, flaking, or chipping.
<b>Deficiency Criteria</b>	<p>The structure has any exposed rebar.</p> <p>OR</p> <p>Foundation is spalling, flaking, or chipping, and the affected area is 12x12 inches or greater and goes into the foundation at a depth of ¾-inch or greater.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the foundation has exposed rebar or is spalling, flaking, or chipping, then it may be a cut hazard to residents.</p> <p>If the foundation has exposed rebar or is spalling, flaking, or chipping, this should be detected through regular maintenance activities, and the presence of this deficiency may indicate that self-generated work orders are not being addressed.</p> <p>If the foundation has exposed rebar or is spalling, flaking, or chipping, there may be a structural defect.</p>
<b>Deficiency 3 – Foundation: Inside</b>	
<b>Deficiency</b>	Foundation has exposed rebar or foundation is spalling, flaking, or chipping.
<b>Deficiency Criteria</b>	<p>The structure has any exposed rebar.</p> <p>OR</p>

	Foundation is spalling, flaking, or chipping, and the affected area is 12x12 inches or greater and goes into the foundation at a depth of ¾-inch or greater.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the foundation has exposed rebar or is spalling, flaking, or chipping, then it may be a cut hazard to residents.</p> <p>If the foundation has exposed rebar or is spalling, flaking, or chipping, this should be detected through regular maintenance activities, and the presence of this deficiency may indicate that self-generated work orders are not being addressed.</p> <p>If the foundation has exposed rebar or is spalling, flaking, or chipping, there may be a structural defect.</p>

### Deficiency 3 – Foundation: Outside

<b>Deficiency</b>	Foundation has exposed rebar or foundation is spalling, flaking, or chipping.
<b>Deficiency Criteria</b>	<p>The structure has any exposed rebar.</p> <p>OR</p> <p>Foundation is spalling, flaking, or chipping, and the affected area is 12x12 inches or greater and goes into the foundation at a depth of ¾-inch or greater.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the foundation has exposed rebar or is spalling, flaking, or chipping, then it may be a cut hazard to residents.</p> <p>If the foundation has exposed rebar or is spalling, flaking, or chipping, this should be detected through regular maintenance activities, and the</p>

presence of this deficiency may indicate that self-generated work orders are not being addressed.

If the foundation has exposed rebar or is spalling, flaking, or chipping, there may be a structural defect.

#### **Deficiency 4 – Foundation: Unit**

<b>Deficiency</b>	Foundation is infiltrated by water.
<b>Deficiency Criteria</b>	Evidence of water infiltration through the foundation.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the foundation is infiltrated by water, then there is an increased risk of mold exposure, which could negatively impact air quality.</p> <p>If the foundation is infiltrated by water, then the resident may be exposed to an unsanitary environment.</p> <p>If the foundation is infiltrated by water, then the resident may be unable to fully use a feature (i.e., sealed foundation) that is expected to be provided and maintained as part of their rent.</p> <p>If the foundation is infiltrated by water, then the resident will likely report this deficiency, and the presence of this deficiency may indicate a lack of corrective maintenance.</p> <p>If the foundation is infiltrated by water, then this should be identified through routine maintenance and the presence of this deficiency may indicate self-generated work orders are not being addressed.</p> <p>If the foundation is infiltrated by water, then it may cause the structure to deteriorate.</p>

#### **Deficiency 4 – Foundation: Inside**

<b>Deficiency</b>	Foundation is infiltrated by water.
<b>Deficiency Criteria</b>	Evidence of water infiltration through the foundation.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days

<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the foundation is infiltrated by water, then there is an increased of risk of mold exposure which could negatively impact air quality.</p> <p>If the foundation is infiltrated by water, then the resident may be exposed to an unsanitary environment.</p> <p>If the foundation is infiltrated by water, then the resident may be unable to fully use a feature (i.e., sealed foundation) that is expected to be provided and maintained as part of their rent.</p> <p>If the foundation is infiltrated by water, then the resident will likely report this deficiency, and the presence of this deficiency may indicate a lack of corrective maintenance.</p> <p>If the foundation is infiltrated by water, then this should be identified through routine maintenance, and the presence of this deficiency may indicate self-generated work orders are not being addressed.</p> <p>If the foundation is infiltrated by water, then it may cause the structure to deteriorate.</p>
<b>Deficiency 5 – Foundation: Unit</b>	
<b>Deficiency</b>	Foundation support post, column, beam, or girder is damaged.
<b>Deficiency Criteria</b>	Any support post, column, or girder area is damaged (i.e., visibly defective; impacts functionality).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a foundation support post, column, beam, or girder is damaged, then it may cause the structure to become unstable.</p> <p>If a foundation support post, column, beam, or girder is damaged, then maintenance should identify it through regular maintenance activities and the presence of this deficiency may indicate self-generated work orders are not being addressed.</p>

If a foundation support post, column, beam, or girder is damaged, then it could be a sign of a structural issue.

#### **Deficiency 5 – Foundation: Inside**

<b>Deficiency</b>	Foundation support post, column, beam, or girder is damaged.
<b>Deficiency Criteria</b>	Any support post, column, or girder area is damaged (i.e., visibly defective; impacts functionality).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a foundation support post, column, beam, or girder is damaged, then it may cause the structure to become unstable.</p> <p>If a foundation support post, column, beam, or girder is damaged, then maintenance should identify this through regular maintenance activities, and the presence of this deficiency may indicate self-generated work orders are not being addressed.</p> <p>If a foundation support post, column, beam, or girder is damaged, then it could be a sign of a structural issue.</p>

#### **Deficiency 5 – Foundation: Outside**

<b>Deficiency</b>	Foundation support post, column, beam, or girder is damaged.
<b>Deficiency Criteria</b>	Any support post, column, or girder area is damaged (i.e., visibly defective; impacts functionality).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a foundation support post, column, beam, or girder is damaged, then it may cause the structure to become unstable.</p> <p>If a foundation support post, column, beam, or girder is damaged, then maintenance should identify this through regular maintenance activities</p>

and the presence of this deficiency may indicate self-generated work orders are not being addressed.

If a foundation support post, column, beam, or girder is damaged, then it could be a sign of a structural issue.

**TABLE 27—GARAGE DOOR STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A large door on a garage that opens either manually or by an electric motor. Garage doors are frequently large enough to accommodate automobiles and other vehicles. Small garage doors may be constructed as a single panel that tilts up and back across the garage ceiling.
<b>Location</b>	Unit: Attached or detached garage.  Inside: Attached or detached garage.  Outside: Attached or detached garage.
<b>Deficiency 1 – Garage Door: Unit</b>	
<b>Deficiency</b>	Garage door has a hole.
<b>Deficiency Criteria</b>	Garage door has a hole of any size that penetrates through to the interior.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the garage door has a hole of any size that penetrates through to the interior, then the resident may be unable to control access to their personal property.</p> <p>If the garage door has a hole of any size that penetrates through to the interior, then it is likely the resident will report this deficiency and its presence may indicate complaint-based work orders are not being addressed.</p> <p>If the garage door has a hole of any size that penetrates through to the interior, then it is likely to be observed during routine maintenance activities and its presence may indicate that self-generated work orders are not being addressed.</p>

**Deficiency 1 – Garage Door: Inside**

<b>Deficiency</b>	Garage door has a hole.
<b>Deficiency Criteria</b>	Garage door has a hole of any size that penetrates through to the interior.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the garage door has a hole of any size that penetrates through to the interior, then the resident may be unable to control access to their personal property.</p> <p>If the garage door has a hole of any size that penetrates through to the interior, then it is likely the resident will report this deficiency and its presence may indicate complaint-based work orders are not being addressed.</p> <p>If the garage door has a hole of any size that penetrates through to the interior, then it is likely to be observed during routine maintenance activities and its presence may indicate that self-generated work orders are not being addressed.</p>

**Deficiency 1 – Garage Door: Outside**

<b>Deficiency</b>	Garage door has a hole.
<b>Deficiency Criteria</b>	Garage door has a hole of any size that penetrates through to the interior.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the garage door has a hole of any size that penetrates through to the interior, then the resident may be unable to control access to their personal property.</p> <p>If the garage door has a hole of any size that penetrates through to the interior, then it is likely the resident will report this deficiency and its</p>

presence may indicate complaint-based work orders are not being addressed.

If the garage door has a hole of any size that penetrates through to the interior, then it is likely to be observed during routine maintenance activities and its presence may indicate that self-generated work orders are not being addressed.

#### **Deficiency 2 – Garage Door: Unit**

<b>Deficiency</b>	Garage door does not open, close, or remain open or closed.
<b>Deficiency Criteria</b>	Door will not open and remain open.  OR  Door will not close and remain closed.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the garage door does not open and remain open or close and remain closed, then the resident may be exposed to associated hazards (e.g., the door closing on them).</p> <p>If the garage door does not close or remain closed, then the resident may be unable to control access to their personal property.</p> <p>If the garage door does not open and remain open or close and remain closed, then it is likely the resident will report this deficiency and its presence may indicate complaint-based work orders are not being addressed.</p> <p>If the garage door does not open and remain open or close and remain closed, then it is likely to be observed during routine maintenance activities and its presence may indicate that self-generated work orders are not being addressed.</p>

#### **Deficiency 2 – Garage Door: Inside**

<b>Deficiency</b>	Garage door does not open, close, or remain open or closed.
<b>Deficiency Criteria</b>	Door will not open and remain open.  OR

	Door will not close and remain closed.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the garage door does not open and remain open or close and remain closed, then the resident may be exposed to associated hazards (e.g., the door closing on them).</p> <p>If the garage door does not close or remain closed, then the resident may be unable to control access to their personal property.</p> <p>If the garage door does not open and remain open or close and remain closed, then it is likely the resident will report this deficiency and its presence may indicate complaint-based work orders are not being addressed.</p> <p>If the garage door does not open and remain open or close and remain closed, then it is likely to be observed during routine maintenance activities and its presence may indicate that self-generated work orders are not being addressed.</p>

#### **Deficiency 2 – Garage Door: Outside**

<b>Deficiency</b>	Garage door does not open, close, or remain open or closed.
<b>Deficiency Criteria</b>	<p>Door will not open and remain open.</p> <p>OR</p> <p>Door will not close and remain closed.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	If the garage door does not open and remain open or close and remain closed, then the resident may be exposed to associated hazards (e.g., the door closing on them).

If the garage door does not close or remain closed, then the resident may be unable to control access to their personal property.

If the garage door does not open and remain open or close and remain closed, then it is likely the resident will report this deficiency and its presence may indicate complaint-based work orders are not being addressed.

If the garage door does not open and remain open or close and remain closed, then it is likely to be observed during routine maintenance activities and its presence may indicate that self-generated work orders are not being addressed.

**TABLE 28—GRAB BAR STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	Safety device designed to be grasped and enable a person to maintain balance.
<b>Location</b>	Unit: Bathroom.  Inside: Bathroom.
<b>Deficiency 1 – Grab Bar: Unit</b>	
<b>Deficiency</b>	Grab bar is not secure.
<b>Deficiency Criteria</b>	Any movement whatsoever is detected in the grab bar.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If any movement whatsoever is detected in the grab bar, and the resident grabs it for stability, then they may fall and be injured.</p> <p>If any movement whatsoever is detected in the grab bar, then resident may be unable to use a fixture that is expected to be provided and maintained as part of their rent.</p> <p>If any movement whatsoever is detected in the grab bar, then the resident will likely report the deficiency and its presence may indicate that complaint-based work orders are not being addressed.</p>

If any movement whatsoever is detected in the grab bar, then it should be identified through routine maintenance activities and the deficiency's presence may indicate that self-generated work orders are not being addressed.

#### **Deficiency 1 – Grab Bar: Inside**

<b>Deficiency</b>	Grab bar is not secure.
<b>Deficiency Criteria</b>	Any movement whatsoever is detected in the grab bar.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If any movement whatsoever is detected in the grab bar, and the resident grabs it for stability, then they may fall and be injured.</p> <p>If any movement whatsoever is detected in the grab bar, then the resident may be unable to use a fixture that is expected to be provided and maintained as part of their rent.</p> <p>If any movement whatsoever is detected in the grab bar, then the resident will likely report the deficiency and its presence may indicate that complaint-based work orders are not being addressed.</p> <p>If any movement whatsoever is detected in the grab bar, then it should be identified through routine maintenance activities and the deficiency's presence may indicate that self-generated work orders are not being addressed.</p>

**TABLE 29—GUARDRAIL STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A barrier along an open, raised walking surface.
<b>Location</b>	<p>Unit: All accessible walking surfaces within the dwelling and those areas to which the resident has sole access (e.g., dwelling balconies, stairs, ramps, decks, hallways).</p> <p>Inside: All accessible walking surfaces within the interior common spaces (e.g., stairs, ramps, hallways).</p>

Outside: All accessible walking surfaces (e.g., balconies, stairs, ramps, decks, rooftops, retaining walls) throughout the exterior built environment (i.e., human-made structures, features, and facilities).

Deficiency 1 – Guardrail: Unit	Affirmative Habitability Requirement: Yes
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<b>Deficiency</b>	Guardrail is missing or not installed.
<b>Deficiency Criteria</b>	The guardrail is missing (i.e., evidence of prior installation, but is now not present or is incomplete) or not installed (i.e., never installed, but should have been) along a walking surface that is more than 30 inches above the floor or grade below.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a guardrail is missing or not installed along a walking surface that is more than 30 inches above the floor or grade below, then there may be an increased safety risk to the resident of fall hazards, which may result in injury or death.</p> <p>A resident is likely to notice if a guardrail is missing or not installed along a walking surface that is more than 30 inches above the floor or grade below and to recognize it is important enough to report to property management because it may present safety hazards. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards.</p>

Deficiency 1 – Guardrail: Inside	Affirmative Habitability Requirement: Yes
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<b>Deficiency</b>	Guardrail is missing or not installed.
<b>Deficiency Criteria</b>	The guardrail is missing (i.e., evidence of prior installation, but is now not present or is incomplete) or not installed (i.e., never installed, but should have been) along a walking surface that is more than 30 inches above the floor or grade below.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours

<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a guardrail is missing or not installed along a walking surface that is more than 30 inches above the floor or grade below, then there may be an increased safety risk to the resident of fall hazards, which may result in injury or death.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a guardrail is missing or not installed along a walking surface that is more than 30 inches above the floor or grade below. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in safety hazards.</p>
<b>Deficiency 1 – Guardrail: Outside</b>	
<b>Affirmative Habitability Requirement: Yes</b>	
<b>Deficiency</b>	Guardrail is missing or not installed.
<b>Deficiency Criteria</b>	The guardrail is missing (i.e., evidence of prior installation, but is now not present or is incomplete) or not installed (i.e., never installed, but should have been) along a walking surface that is more than 30 inches above the floor or grade below.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a guardrail is missing or not installed along a walking surface that is more than 30 inches above the floor or grade below, then there may be an increased safety risk to the resident of fall hazards, which may result in injury or death.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a guardrail is missing or not installed along a walking surface that is more than 30 inches above the floor or grade below. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in safety hazards.</p>
<b>Deficiency 2 – Guardrail: Unit</b>	
<b>Deficiency</b>	Guardrail is not functionally adequate.
<b>Deficiency Criteria</b>	Guardrail is missing functional component(s) (i.e., a component that is critical to the guardrail protecting from fall hazards).

	<p>OR</p> <p>Guardrail is damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>Guardrail is less than 30 inches in height.</p> <p>OR</p> <p>Guardrail is not securely attached and cannot reasonably protect from fall hazards.</p>
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a guardrail is missing functional component(s), damaged, less than 30 inches in height, or not securely attached, there may be an increased safety risk to the resident of falling from a walking surface, which may result in injury or death.</p> <p>Property management would be expected to ensure that staff members understand how to identify a guardrail that is missing functional component(s), damaged, less than 30 inches in height, or not securely attached. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may lead to safety hazards.</p>

#### Deficiency 2 – Guardrail: Inside

<b>Deficiency</b>	Guardrail is not functionally adequate.
<b>Deficiency Criteria</b>	<p>Guardrail is missing functional component(s) (i.e., a component that is critical to the guardrail protecting from fall hazards).</p> <p>OR</p> <p>Guardrail is damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>Guardrail is less than 30 inches in height.</p> <p>OR</p> <p>Guardrail is not securely attached and cannot reasonably protect from fall hazards.</p>

<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a guardrail is missing functional component(s), damaged, less than 30 inches in height, or not securely attached, there may be an increased safety risk to the resident of falling from a walking surface, which may result in injury or death.</p> <p>Property management would be expected to ensure that staff members understand how to identify a guardrail that is missing functional component(s), damaged, less than 30 inches in height, or not securely attached. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may lead to safety hazards.</p>

#### Deficiency 2 – Guardrail: Outside

<b>Deficiency</b>	Guardrail is not functionally adequate.
<b>Deficiency Criteria</b>	<p>Guardrail is missing functional component(s) (i.e., a component that is critical to the guardrail protecting from fall hazards).</p> <p>OR</p> <p>Guardrail is damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>Guardrail is less than 30 inches in height.</p> <p>OR</p> <p>Guardrail is not securely attached and cannot reasonably protect from fall hazards.</p>
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If a guardrail is missing functional component(s), damaged, less than 30 inches in height, or not securely attached, there may be an increased safety risk to the resident of falling from a walking surface, which may result in injury or death.</p> <p>Property management would be expected to ensure that staff members understand how to identify a guardrail that is missing functional component(s), damaged, less than 30 inches in height, or not securely attached. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may lead to safety hazards.</p>
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**TABLE 30—HANDRAIL STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A rail fixed to posts or a wall for people to hold on to for support.
<b>Location</b>	<p>Unit: Stairs, hallways, ramps.</p> <p>Inside: Stairs, hallways, ramps, elevators.</p> <p>Outside: Stairs, ramps, elevators.</p>
<b>Deficiency 1 – Handrail: Unit</b>	
<b>Deficiency</b>	Handrail is missing.
<b>Deficiency Criteria</b>	Handrail is missing (i.e., evidence of prior installation, but now not present or is incomplete).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a handrail is missing, then there is an increased probability of falls that may lead to injury.</p> <p>If a handrail is missing, then the resident is unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>If a handrail is missing, then it is likely to be observed during daily maintenance activities, and the presence of this deficiency may indicate that self-generated work orders are not being addressed.</p>

**Deficiency 1 – Handrail: Inside**

<b>Deficiency</b>	Handrail is missing.
<b>Deficiency Criteria</b>	Handrail is missing (i.e., evidence of prior installation, but now not present or is incomplete).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a handrail is missing, then there is an increased probability of falls that may lead to injury.</p> <p>If a handrail is missing, then the resident is unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>If a handrail is missing, then it is likely to be observed during daily maintenance activities, and the presence of this deficiency may indicate that self-generated work orders are not being addressed.</p>

**Deficiency 1 – Handrail: Outside**

<b>Deficiency</b>	Handrail is missing.
<b>Deficiency Criteria</b>	Handrail is missing (i.e., evidence of prior installation, but now not present or is incomplete).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a handrail is missing, then there is an increased probability of falls that may lead to injury.</p> <p>If a handrail is missing, then the resident is unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>If a handrail is missing, then it is likely to be observed during daily maintenance activities, and the presence of this deficiency may indicate that self-generated work orders are not being addressed.</p>

**Deficiency 2 – Handrail: Unit**

<b>Deficiency</b>	Handrail is not secure.
<b>Deficiency Criteria</b>	There is movement in the anchors of the handrail.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a handrail is not secure, then there is an increased probability of falls that may lead to injury.</p> <p>If a handrail is not secure, then the resident will likely report this deficiency, and its presence may indicate that complaint-based work orders are not being addressed.</p> <p>If a handrail is not secure, then it is likely to be observed during daily maintenance activities, and the presence of this deficiency may indicate that self-generated work orders are not being addressed.</p>

**Deficiency 2 – Handrail: Inside**

<b>Deficiency</b>	Handrail is not secure.
<b>Deficiency Criteria</b>	There is movement in the anchors of the handrail.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a handrail is not secure, then there is an increased probability of falls that may lead to injury.</p> <p>If a handrail is not secure, then the resident will likely report this deficiency and its presence may indicate that complaint-based work orders are not being addressed.</p> <p>If a handrail is not secure, then it is likely to be observed during daily maintenance activities, and the presence of this deficiency may indicate that self-generated work orders are not being addressed.</p>

**Deficiency 2 – Handrail: Outside**

<b>Deficiency</b>	Handrail is not secure.
<b>Deficiency Criteria</b>	There is movement in the anchors of the handrail.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a handrail is not secure, then there is an increased probability of falls that may lead to injury.</p> <p>If a handrail is not secure, then the resident will likely report this deficiency and its presence may indicate that complaint-based work orders are not being addressed.</p> <p>If a handrail is not secure, then it is likely to be observed during daily maintenance activities, and the presence of this deficiency may indicate that self-generated work orders are not being addressed.</p>

**Deficiency 3 – Handrail: Unit**

<b>Deficiency</b>	Handrail is not functionally adequate.
<b>Deficiency Criteria</b>	<p>Handrail is not functionally adequate (i.e., it cannot reasonably be grasped by hand to provide stability or support when ascending or descending stairways).</p> <p>OR</p> <p>Handrail is not continuous for the full length of each stair flight.</p> <p>OR</p> <p>Handrail is not between 28 inches and 42 inches in height.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	If a handrail is not functionally adequate or not continuous for the full length of each stair flight, or not between 28 inches and 42 inches in height, there may be an increased safety risk to the resident of falling down a staircase, which may result in injury.
<b>Deficiency 3 – Handrail: Inside</b>	
<b>Deficiency</b>	Handrail is not functionally adequate.
<b>Deficiency Criteria</b>	<p>Handrail is not functionally adequate (i.e., it cannot reasonably be grasped by hand to provide stability or support when ascending or descending stairways).</p> <p>OR</p> <p>Handrail is not continuous for the full length of each stair flight.</p> <p>OR</p> <p>Handrail is not between 28 inches and 42 inches in height.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	If a handrail is not functionally adequate or not continuous for the full length of each stair flight, or not between 28 inches and 42 inches in height, there may be an increased safety risk to the resident of falling down a staircase, which may result in injury.
<b>Deficiency 3 – Handrail: Outside</b>	
<b>Deficiency</b>	Handrail is not functionally adequate.
<b>Deficiency Criteria</b>	<p>Handrail is not functionally adequate (i.e., it cannot reasonably be grasped by hand to provide stability or support when ascending or descending stairways).</p> <p>OR</p> <p>Handrail is not continuous for the full length of each stair flight.</p> <p>OR</p> <p>Handrail is not between 28 inches and 42 inches in height.</p>
<b>Health and Safety Determination</b>	Moderate

<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	If a handrail is not functionally adequate or not continuous for the full length of each stair flight, or not between 28 inches and 42 inches in height, there may be an increased safety risk to the resident of falling down a staircase, which may result in injury.

#### Deficiency 4 – Handrail: Unit

<b>Deficiency</b>	Handrail is not installed where required.
<b>Deficiency Criteria</b>	4 or more stair risers are present and a handrail is not installed.  OR  A ramp has a rise greater than 6 inches or a horizontal projection greater than 72 inches and a handrail is not installed on both sides.
<b>Health and Safety Determination</b>	N/A
<b>Correction Timeframe</b>	N/A
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	If handrail not installed where required, then the resident is unable to use a feature that is expected to be provided and maintained as part of their rent.  Property management would be expected to ensure that staff members understand how to identify if a handrail is not installed where required. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may lead to usability barriers.

#### Deficiency 4 – Handrail: Inside

<b>Deficiency</b>	Handrail is not installed where required.
<b>Deficiency Criteria</b>	4 or more stair risers are present and a handrail is not installed.  OR  A ramp has a rise greater than 6 inches or a horizontal projection greater than 72 inches and a handrail is not installed on both sides.
<b>Health and Safety Determination</b>	Low

<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	<p>If handrail not installed where required, then the resident is unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a handrail is not installed where required. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may lead to usability barriers.</p>
<b>Deficiency 4 – Handrail: Outside</b>	
<b>Deficiency</b>	Handrail is not installed where required.
<b>Deficiency Criteria</b>	<p>4 or more stair risers are present and a handrail is not installed.</p> <p>OR</p> <p>A ramp has a rise greater than 6 inches or a horizontal projection greater than 72 inches and a handrail is not installed on both sides.</p>
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	<p>If handrail not installed where required, then the resident is unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a handrail is not installed where required. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may lead to usability barriers.</p>

**TABLE 31—HEATING, VENTILATION, AND AIR CONDITIONING (HVAC) STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	<u>Heating</u> : A system consisting of a heat source and method of distribution designed to heat the surrounding air and area.

	<p><u>Ventilation</u>: A method of air distribution by air ducts to transfer air from one location to another. Air can be distributed passively or forced.</p> <p><u>Air Conditioning</u>: A system consisting of a cooling source and method of distribution designed to cool the surrounding air and area.</p>
<b>Location</b>	<p>Unit: Living room, bedroom, kitchen, bathroom, closet.</p> <p>Inside: Any indoor common area (e.g., hall, bath, kitchen, office, exercise room, etc.).</p>
<b>Deficiency 1 – Heating, Ventilation, and Air Conditioning (HVAC): Unit</b> <b>Affirmative Habitability Requirement: Yes</b>	
<b>Deficiency</b>	The inspection date is on or between October 1 and March 31 and the permanently installed heating source is not working or the permanently installed heating source is working and the interior temperature is below 64 degrees Fahrenheit.
<b>Deficiency Criteria</b>	<p>The inspection date is on or between October 1 and March 31.</p> <p>AND</p> <p>The permanently installed heating source is not working.</p> <p>OR</p> <p>The permanently installed heating source is working and the interior temperature is below 64 degrees Fahrenheit.</p>
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the inspection date is on or between October 1 and March 31 and the permanently installed heating source is not working or the permanently installed heating source is working and the interior temperature is below 64 degrees Fahrenheit, then the resident's body may lose heat faster than it can make it, leading to symptoms of hypothermia, which may result in unconsciousness or death.</p> <p>If the inspection date is on or between October 1 and March 31 and the permanently installed heating source is not working or the permanently installed heating source is working and the interior temperature is below 64 degrees Fahrenheit, then the resident may be unable to use the appliance to safely heat the unit.</p>

A resident is likely to notice if the inspection date is on or between October 1 and March 31 and the permanently installed heating source is not working or the permanently installed heating source is working and the interior temperature is below 64 degrees Fahrenheit and to recognize it is important enough to report to property management because it may present health hazards. Property management should be expected to prioritize a work order to remedy this defect because it may result in health hazards.

<b>Deficiency 2 – Heating, Ventilation, and Air Conditioning (HVAC): Unit</b>		<b>Affirmative Habitability Requirement: Yes</b>
<b>Deficiency</b>	The inspection date is on or between October 1 and March 31 and the permanently installed heating source is working and the interior temperature is 64 to 67.9 degrees Fahrenheit.	
<b>Deficiency Criteria</b>	<p>The inspection date is on or between October 1 and March 31.</p> <p>AND</p> <p>The permanently installed heating source is working and the interior temperature is 64 to 67.9 degrees Fahrenheit.</p>	
<b>Health and Safety Determination</b>	Severe	
<b>Correction Timeframe</b>	24 hours	
<b>HCV Correction Timeframe</b>	30 days	
<b>HCV Pass/Fail</b>	Fail	
<b>Rationale</b>	<p>If the inspection date is on or between October 1 and March 31 and the permanently installed heating source is working and the interior temperature is 64 to 67.9 degrees Fahrenheit, then the resident may experience respiratory or cardiovascular issues.</p> <p>If the inspection date is on or between October 1 and March 31 and the permanently installed heating source is working and the interior temperature is 64 to 67.9 degrees Fahrenheit, then the resident may be unable to use the appliance to safely heat the unit.</p> <p>A resident is likely to notice if the inspection date is on or between October 1 and March 31 and the permanently installed heating source is working and the interior temperature is 64 to 67.9 degrees Fahrenheit and to recognize it is important enough to report to property management because it may present health hazards. Property management should be expected to prioritize a work order to remedy this defect because it may result in health hazards.</p>	

**Deficiency 3 – Heating, Ventilation, and Air Conditioning (HVAC): Unit**

<b>Deficiency</b>	Air conditioning system or device is not operational.
<b>Deficiency Criteria</b>	System or device does not turn on.  OR  System or device only produces hot or room temperature air.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the air conditioning system or device does not turn on or it only produces hot or room temperature air, then the resident may be at an increased risk of heat-related illness.</p> <p>If the air conditioning system or device does not turn on or it only produces hot or room temperature air, then the resident may be unable to utilize the appliance.</p> <p>The resident is likely to notice if the air conditioning system or device does not turn on or it only produces hot or room temperature air and to recognize it is important enough to report it to property management because it may present health hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in health hazards.</p>

**Deficiency 3 – Heating, Ventilation, and Air Conditioning (HVAC): Inside**

<b>Deficiency</b>	Air conditioning system or device is not operational.
<b>Deficiency Criteria</b>	System or device does not turn on.  OR  System or device only produces hot or room temperature air.
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass

<b>Rationale</b>	<p>If the air conditioning system or device does not turn on or it only produces hot or room temperature air, then the resident may be unable to utilize the appliance.</p> <p>Property management would be expected to ensure that staff members understand how to identify an air conditioning system or device that does not turn on or only produces hot or room temperature air. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency, because it may result in usability barriers.</p>
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Deficiency 4 – Heating, Ventilation, and Air Conditioning (HVAC): Unit		Affirmative Habitability Requirement: Yes
<b>Deficiency</b>	Unvented space heater that burns gas, oil, or kerosene is present.	
<b>Deficiency Criteria</b>	Unvented space heater that burns gas, oil, or kerosene is present.	
<b>Health and Safety Determination</b>	Life-Threatening	
<b>Correction Timeframe</b>	24 hours	
<b>HCV Correction Timeframe</b>	24 hours	
<b>HCV Pass/Fail</b>	Fail	
<b>Rationale</b>	<p>If the fuel burning heating system or device is not vented, then the resident may be exposed carbon monoxide leaks, which may cause health issues.</p> <p>A fuel burning heating system or device should be checked during periodic property inspections, and according to industry best practices, should be included in a preventative maintenance plan. If the fuel burning heating system or device is not vented, this may indicate that preventative maintenance activities are not being addressed.</p>	
Deficiency 4 – Heating, Ventilation, and Air Conditioning (HVAC): Inside		Affirmative Habitability Requirement: Yes
<b>Deficiency</b>	Unvented space heater that burns gas, oil, or kerosene is present.	
<b>Deficiency Criteria</b>	Unvented space heater that burns gas, oil, or kerosene is present.	
<b>Health and Safety Determination</b>	Life-Threatening	
<b>Correction Timeframe</b>	24 hours	
<b>HCV Correction Timeframe</b>	24 hours	

<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the fuel burning heating system or device is not vented, then the resident may be exposed carbon monoxide leaks, which may cause health issues.</p> <p>A fuel burning heating system or device should be checked during periodic property inspections, and according to industry best practices, should be included in a preventative maintenance plan. If the fuel burning heating system or device is not vented, this may indicate that preventative maintenance activities are not being addressed.</p>

#### **Deficiency 5 – Heating, Ventilation, and Air Conditioning (HVAC): Unit**

<b>Deficiency</b>	Combustion chamber cover or gas shutoff valve is missing from a fuel burning heating appliance.
<b>Deficiency Criteria</b>	Combustion chamber cover or gas shutoff valve is missing (i.e., evidence of prior installation, but is now not present or is incomplete) from a fuel burning heating appliance.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a combustion chamber cover or gas shutoff valve is missing from a fuel burning heating appliance, and there is a need to isolate the appliance, there may be an increased safety risk to the resident of fire, which may result in injury (e.g., burns) or death.</p> <p>Property management would be expected to ensure that staff understand how to identify a combustion chamber cover or gas shutoff valve that is missing from a fuel burning heating appliance. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety hazards or usability barriers.</p>

#### **Deficiency 5 – Heating, Ventilation, and Air Conditioning (HVAC): Inside**

<b>Deficiency</b>	Combustion chamber cover or gas shutoff valve is missing from a fuel burning heating appliance.
<b>Deficiency Criteria</b>	Combustion chamber cover or gas shutoff valve is missing (i.e., evidence of prior installation, but is now not present or is incomplete) from a fuel burning heating appliance.

<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a combustion chamber cover or gas shutoff valve is missing from a fuel burning heating appliance, and there is a need to isolate the appliance, there may be an increased safety risk to the resident of fire, which may result in injury (e.g., burns) or death.</p> <p>Property management would be expected to ensure that staff understand how to identify a combustion chamber cover or gas shutoff valve that is missing from a fuel burning heating appliance. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety hazards or usability barriers.</p>

#### **Deficiency 6 – Heating, Ventilation, and Air Conditioning (HVAC): Unit**

<b>Deficiency</b>	Heating system or device safety shield is damaged or missing.
<b>Deficiency Criteria</b>	Heating system or device safety shield is damaged (i.e., visibly defective; impacts functionality) or missing (i.e., evidence of prior installation, but is now not present or is incomplete).
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a heating system or device safety shield is damaged or missing, then there may be an increased safety risk to the resident of burn hazards.</p> <p>Property management would be expected to ensure that staff understand how to identify a safety shield that is damaged or missing from a heating system or device. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety hazards.</p>

#### **Deficiency 6 – Heating, Ventilation, and Air Conditioning (HVAC): Inside**

<b>Deficiency</b>	Heating system or device safety shield is damaged or missing.
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<b>Deficiency Criteria</b>	Heating system or device safety shield is damaged (i.e., visibly defective; impacts functionality) or missing (i.e., evidence of prior installation, but is now not present or is incomplete).
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a heating system or device safety shield is damaged or missing, then there may be an increased safety risk to the resident of burn hazards.</p> <p>Property management would be expected to ensure that staff understand how to identify a safety shield that is damaged or missing from a heating system or device. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety hazards.</p>

<b>Deficiency 7 – Heating, Ventilation, and Air Conditioning (HVAC): Unit</b>		<b>Affirmative Habitability Requirement: Yes</b>
<b>Deficiency</b>	The inspection date is on or between April 1 and September 30 and a permanently installed heating source is damaged, inoperable, missing, or not installed.	
<b>Deficiency Criteria</b>	<p>The inspection date is on or between April 1 and September 30.</p> <p>AND</p> <p>A permanently installed heating source is damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>A permanently installed heating source is inoperable (i.e., not meeting function or purpose, with or without visible damage).</p> <p>OR</p> <p>A permanently installed heating source is missing (i.e., evidence of prior installation, but is now not present or is incomplete).</p> <p>OR</p> <p>A permanently installed heating source is not installed.</p>	
<b>Health and Safety Determination</b>	Moderate	
<b>Correction Timeframe</b>	30 days	

<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the inspection date is on or between April 1 and September 30 and a permanently installed heating source is damaged, inoperable, missing, or not installed, then the resident may be unable to maintain their thermal environment.</p> <p>If the inspection date is on or between April 1 and September 30 and a permanently installed heating source is damaged, inoperable, missing, or not installed, then the resident may be unable to use the appliance to safely heat the unit.</p> <p>A resident is likely to notice if the inspection date is on or between April 1 and September 30 and a permanently installed heating source is damaged, inoperable, missing, or not installed and to recognize it is important enough to report to property management because it may present health hazards. Property management should be expected to prioritize a work order to remedy this defect because it may result in health hazards.</p>
<b>Deficiency 7 – Heating, Ventilation, and Air Conditioning (HVAC): Inside</b>	
<b>Deficiency</b>	The inspection date is on or between April 1 and September 30 and a permanently installed heating source is damaged, inoperable, missing, or not installed.
<b>Deficiency Criteria</b>	<p>The inspection date is on or between April 1 and September 30.</p> <p>AND</p> <p>A permanently installed heating source is damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>A permanently installed heating source is inoperable (i.e., not meeting function or purpose, with or without visible damage).</p> <p>OR</p> <p>A permanently installed heating source is missing (i.e., evidence of prior installation, but is now not present or is incomplete).</p> <p>OR</p> <p>A permanently installed heating source is not installed.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days

<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the inspection date is on or between April 1 and September 30 and a permanently installed heating source is damaged, inoperable, missing, or not installed, then the resident may be unable to maintain their thermal environment.</p> <p>If the inspection date is on or between April 1 and September 30 and a permanently installed heating source is damaged, inoperable, missing, or not installed, then the resident may be unable to use the appliance to safely heat the unit.</p> <p>Property management would be expected to ensure that staff understand how to identify if a permanently installed heating source is damaged, inoperable, missing, or not installed. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in health hazards.</p>
<b>Deficiency 8 – Heating, Ventilation, and Air Conditioning (HVAC): Unit</b>	
<b>Deficiency</b>	Fuel burning heating system or device exhaust vent is misaligned, blocked, disconnected, improperly connected, damaged, or missing.
<b>Deficiency Criteria</b>	<p>Fuel burning heating system or device is present.</p> <p>AND</p> <p>Exhaust vent is misaligned, blocked, disconnected, or improperly connected through to the ceiling or wall.</p> <p>OR</p> <p>Exhaust vent is damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>Exhaust vent is missing (i.e., evidence of prior installation, but now not present or is incomplete).</p>
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	If the fuel burning heating system or device exhaust vent is misaligned, disconnected, improperly connected, damaged, blocked, or missing, then

the resident may be exposed carbon monoxide leaks, which may cause health issues.

A fuel burning heating system or device should be checked during periodic property inspections, and according to industry best practices, should be included in a preventative maintenance plan. If the fuel burning heating system or device exhaust vent is misaligned, disconnected, improperly connected, damaged, blocked, or missing, this may indicate that preventative maintenance activities are not being addressed.

#### **Deficiency 8 – Heating, Ventilation, and Air Conditioning (HVAC): Inside**

<b>Deficiency</b>	Fuel burning heating system or device exhaust vent is misaligned, blocked, disconnected, improperly connected, damaged, or missing.
<b>Deficiency Criteria</b>	<p>Fuel burning heating system or device is present.</p> <p>AND</p> <p>Exhaust vent is misaligned, blocked, disconnected, or improperly connected through to the ceiling or wall.</p> <p>OR</p> <p>Exhaust vent is damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>Exhaust vent is missing (i.e., evidence of prior installation, but now not present or is incomplete).</p>
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the fuel burning heating system or device exhaust vent is misaligned, disconnected, improperly connected, damaged, blocked, or missing, then the resident may be exposed carbon monoxide leaks, which may cause health issues.</p> <p>A fuel burning heating system or device should be checked during periodic property inspections, and according to industry best practices, should be included in a preventative maintenance plan. If the fuel burning heating system or device exhaust vent is misaligned, disconnected, improperly connected, damaged, blocked, or missing, this may indicate that preventative maintenance activities are not being addressed.</p>

#### **Deficiency 8 – Heating, Ventilation, and Air Conditioning (HVAC): Outside**

<b>Deficiency</b>	Fuel burning heating system or device exhaust vent is misaligned, blocked, disconnected, improperly connected, damaged, or missing.
<b>Deficiency Criteria</b>	<p>Fuel burning heating system or device is present.</p> <p>AND</p> <p>Exhaust vent is misaligned, blocked, disconnected, or improperly connected through to the ceiling or wall.</p> <p>OR</p> <p>Exhaust vent is damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>Exhaust vent is missing (i.e., evidence of prior installation, but now not present or is incomplete).</p>
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the fuel burning heating system or device exhaust vent is misaligned, disconnected, improperly connected, damaged, blocked, or missing, then the resident may be exposed carbon monoxide leaks, which may cause health issues.</p> <p>A fuel burning heating system or device should be checked during periodic property inspections, and according to industry best practices, should be included in a preventative maintenance plan. If the fuel burning heating system or device exhaust vent is misaligned, disconnected, improperly connected, damaged, blocked, or missing, this may indicate that preventative maintenance activities are not being addressed.</p>
<b>Deficiency 9 – Heating, Ventilation, and Air Conditioning (HVAC): Inside</b> <b>Affirmative Habitability Requirement: Yes</b>	
<b>Deficiency</b>	The inspection date is on or between October 1 and March 31 and the permanently installed heating source is inoperable.
<b>Deficiency Criteria</b>	<p>The inspection date is on or between October 1 and March 31.</p> <p>AND</p> <p>A permanently installed heating source is inoperable (i.e., not meeting function or purpose, with or without visible damage).</p>

<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the inspection date is on or between October 1 and March 31 and a permanently installed heating source is inoperable, then the resident may be unable to maintain their thermal environment.</p> <p>If the inspection date is on or between October 1 and March 31 and a permanently installed heating source is inoperable, then the resident may be unable to use the appliance to safely heat the unit.</p> <p>Property management would be expected to ensure that staff understand how to identify if a permanently installed heating source is inoperable. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in health hazards.</p>

**TABLE 32—INFESTATION STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	The presence of animals with potential impacts on resident health and safety.
<b>Location</b>	<p>Unit: Kitchen, cabinet, refrigerator, cooking appliance, bathroom, furniture, bed, carpet, drapes (Note that this is not an exhaustive list).</p> <p>Inside: Kitchen, cabinet, refrigerator, cooking appliance, bathroom, furniture, carpet, drapes (Note that this is not an exhaustive list).</p> <p>Outside: Near refuse enclosure or anywhere garbage is present, eaves of roofing (Note that this is not an exhaustive list).</p>
<b>Deficiency 1 – Infestation: Unit</b>	
<b>Deficiency</b>	Evidence of cockroaches.
<b>Deficiency Criteria</b>	Evidence of cockroaches is found (i.e., a live or dead cockroach, shed skins, droppings, or egg cases).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days

<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>Cockroach allergen has been identified as one of the most important asthma triggers for children and severe asthma often results in the need for acute emergency care or hospitalization.</p> <p>If there is evidence of cockroaches, then the resident may be unable to maintain a sanitary environment.</p> <p>If there is evidence of cockroaches, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>If there is evidence of cockroaches, then it should be identified through routine maintenance activities and their presence may indicate that self-generated work orders are not being addressed.</p>
<b>Deficiency 1 – Infestation: Inside</b>	
<b>Deficiency</b>	Evidence of cockroaches.
<b>Deficiency Criteria</b>	Evidence of cockroaches is found (i.e., a live or dead cockroach, shed skins, droppings, or egg cases).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>Cockroach allergen has been identified as one of the most important asthma triggers for children and severe asthma often results in the need for acute emergency care or hospitalization.</p> <p>If there is evidence of cockroaches, then the resident may be unable to maintain a sanitary environment.</p> <p>If there is evidence of cockroaches, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>If there is evidence of cockroaches, then it should be identified through routine maintenance activities and their presence may indicate that self-generated work orders are not being addressed.</p>

**Deficiency 2 – Infestation: Unit**

<b>Deficiency</b>	Extensive cockroach infestation.
<b>Deficiency Criteria</b>	Sighting of at least one live cockroach in two or more Units during a daytime surface visual assessment.  OR  Sighting of at least one live cockroach in two or more rooms in a Unit during a daytime surface visual assessment.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>Cockroach allergen has been identified as one of the most important asthma triggers for children and severe asthma often results in the need for acute emergency care or hospitalization. Extensive cockroach infestation provides an increased risk of resident contact with cockroach allergen.</p> <p>If there is extensive cockroach infestation, then the resident may be unable to maintain a sanitary environment.</p> <p>If there is extensive cockroach infestation, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>If there is extensive cockroach infestation, then it should be identified through routine maintenance activities and their presence may indicate that self-generated work orders are not being addressed.</p>

**Deficiency 2 – Infestation: Inside**

<b>Deficiency</b>	Extensive cockroach infestation.
<b>Deficiency Criteria</b>	Sighting of at least one live cockroach in two or more separate locations in the building is a sign of extensive infestation.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days

<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>Cockroach allergen has been identified as one of the most important asthma triggers for children and severe asthma often results in the need for acute emergency care or hospitalization. Extensive cockroach infestation provides increased risk of resident contact with cockroach allergen. Residents, if they are not in the Unit but within the Inside inspectable area, can avoid lengthy exposure in areas with extensive cockroach infestation.</p> <p>If there is extensive cockroach infestation, then the resident may be unable to maintain a sanitary environment.</p> <p>If there is extensive cockroach infestation, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>If there is extensive cockroach infestation, then it should be identified through routine maintenance activities and their presence may indicate that self-generated work orders are not being addressed.</p>
<b>Deficiency 3 – Infestation: Unit</b>	
<b>Deficiency</b>	Evidence of bedbugs.
<b>Deficiency Criteria</b>	Evidence of bedbugs is found (i.e., live or dead bedbugs, feces, eggs, or blood trails).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is evidence of bedbugs, then the resident may be subjected to skin irritants.</p> <p>If there is evidence of bedbugs, then the resident may be unable to maintain a sanitary environment.</p> <p>If there is evidence of bedbugs, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p>
<b>Deficiency 3 – Infestation: Inside</b>	
<b>Deficiency</b>	Evidence of bedbugs.

<b>Deficiency Criteria</b>	Evidence of bedbugs is found (i.e., live or dead bedbugs, feces, eggs, or blood trails).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is evidence of bedbugs, then the resident may be subjected to skin irritants.</p> <p>If there is evidence of bedbugs, then the resident may be unable to maintain a sanitary environment.</p> <p>If there is evidence of bedbugs, then it should be identified through routine maintenance activities and their presence may indicate that self-generated work orders are not being addressed.</p>

#### **Deficiency 4 – Infestation: Unit**

<b>Deficiency</b>	Extensive bedbug infestation.
<b>Deficiency Criteria</b>	<p>Sighting of at least one live bedbug in two or more Units during a daytime surface visual assessment.</p> <p>OR</p> <p>Sighting of at least one live bedbug in two or more rooms in a Unit during a daytime surface visual assessment.</p>
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is extensive bedbug infestation, then the resident may be subjected to skin irritants.</p> <p>If there is extensive bedbug infestation, then the resident may be unable to maintain a sanitary environment.</p>

If there is extensive bedbug infestation, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.

#### **Deficiency 4 – Infestation: Inside**

<b>Deficiency</b>	Extensive bedbug infestation.
<b>Deficiency Criteria</b>	Sighting of at least one live bedbug in two or more separate locations in the building is a sign of extensive infestation.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is extensive bedbug infestation, then the resident may be subjected to skin irritants. Residents, if they are not in the Unit but within the Inside inspectable area, can avoid lengthy exposure in areas with extensive bedbug infestation.</p> <p>If there is extensive bedbug infestation, then the resident may be unable to maintain a sanitary environment.</p> <p>If there is extensive bedbug infestation, then it should be identified through routine maintenance activities and their presence may indicate that self-generated work orders are not being addressed.</p>

#### **Deficiency 5 – Infestation: Unit**

<b>Deficiency</b>	Evidence of mice.
<b>Deficiency Criteria</b>	Evidence of mice is found (i.e., a live or dead mouse or mice, droppings, chewed holes, or urine trails).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	If there is evidence of mice, then the resident may be exposed to infectious diseases.

If there is evidence of mice, then the resident may be unable to maintain a sanitary environment.

If there is evidence of mice, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.

If there is evidence of mice, then it should be identified through routine maintenance activities and their presence may indicate that self-generated work orders are not being addressed.

#### **Deficiency 5 – Infestation: Inside**

<b>Deficiency</b>	Evidence of mice.
<b>Deficiency Criteria</b>	Evidence of mice is found (i.e., a live or dead mouse or mice, droppings, chewed holes, or urine trails).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is evidence of mice, then the resident may be exposed to infectious diseases.</p> <p>If there is evidence of mice, then the resident may be unable to maintain a sanitary environment.</p> <p>If there is evidence of mice, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>If there is evidence of mice, then it should be identified through routine maintenance activities and their presence may indicate that self-generated work orders are not being addressed.</p>

#### **Deficiency 6 – Infestation: Unit**

<b>Deficiency</b>	Extensive mouse infestation.
<b>Deficiency Criteria</b>	<p>Sighting of at least one live mouse in two or more Units during a daytime surface visual assessment.</p> <p>OR</p>

	Sighting of at least one live mouse in two or more rooms in a Unit during a daytime surface visual assessment.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is extensive mouse infestation, then the resident may be exposed to infectious diseases.</p> <p>If there is extensive mouse infestation, then the resident may be unable to maintain a sanitary environment.</p> <p>If there is extensive mouse infestation, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>If there is extensive mouse infestation, then it should be identified through routine maintenance activities and their presence may indicate that self-generated work orders are not being addressed.</p>

#### Deficiency 6 – Infestation: Inside

<b>Deficiency</b>	Extensive mouse infestation.
<b>Deficiency Criteria</b>	Sighting of at least one live mouse in two or more separate locations in the building during a daytime surface visual assessment.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is extensive mouse infestation, then the resident may be exposed to infectious diseases. Residents, if they are not in the Unit but within the Inside inspectable area, can avoid lengthy exposure in areas with extensive mouse infestation.</p> <p>If there is extensive mouse infestation, then the resident may be unable to maintain a sanitary environment.</p>

If there is extensive mouse infestation, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.

If there is extensive mouse infestation, then it should be identified through routine maintenance activities and their presence may indicate that self-generated work orders are not being addressed.

#### **Deficiency 7 – Infestation: Unit**

<b>Deficiency</b>	Evidence of rats.
<b>Deficiency Criteria</b>	Evidence of rats is found (i.e., dead rat or rats, droppings, or chewed holes).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is evidence of rats, then the resident may be exposed to infectious diseases.</p> <p>If there is evidence of rats, then the resident may be unable to maintain a sanitary environment.</p> <p>If there is evidence of rats, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>If there is evidence of rats, then it should be identified through routine maintenance activities and their presence may indicate that self-generated work orders are not being addressed.</p>

#### **Deficiency 7 – Infestation: Inside**

<b>Deficiency</b>	Evidence of rats.
<b>Deficiency Criteria</b>	Evidence of rats is found (i.e., dead rat or rats, droppings, or chewed holes).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If there is evidence of rats, then the resident may be exposed to infectious diseases.</p> <p>If there is evidence of rats, then the resident may be unable to maintain a sanitary environment.</p> <p>If there is evidence of rats, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>If there is evidence of rats, then it should be identified through routine maintenance activities and their presence may indicate that self-generated work orders are not being addressed.</p>
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#### **Deficiency 7 – Infestation: Outside**

<b>Deficiency</b>	Evidence of rats.
<b>Deficiency Criteria</b>	Evidence of rats is found (i.e., a live or dead rat or rats, droppings, or chewed holes).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If there is evidence of rats, then the resident may be exposed to infectious diseases.</p> <p>If there is evidence of rats, then the resident may be unable to maintain a sanitary environment.</p> <p>If there is evidence of rats, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>If there is evidence of rats, then it should be identified through routine maintenance activities and their presence may indicate that self-generated work orders are not being addressed.</p>
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#### **Deficiency 8 – Infestation: Unit**

<b>Deficiency</b>	Extensive rat infestation.
<b>Deficiency Criteria</b>	Live rat is seen in the Unit.

<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is extensive rat infestation, then the resident may be exposed to infectious diseases.</p> <p>If there is extensive rat infestation, then the resident may be unable to maintain a sanitary environment.</p> <p>If there is extensive rat infestation, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>If there is extensive rat infestation, then it should be identified through routine maintenance activities and their presence may indicate that self-generated work orders are not being addressed.</p>

#### **Deficiency 8 – Infestation: Inside**

<b>Deficiency</b>	Extensive rat infestation.
<b>Deficiency Criteria</b>	Live rat is seen in the Inside.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is extensive rat infestation, then the resident may be exposed to infectious diseases. Residents, if they are not in the Unit but within the Inside inspectable area, can avoid lengthy exposure in areas with extensive rat infestation.</p> <p>If there is extensive rat infestation, then the resident may be unable to maintain a sanitary environment.</p> <p>If there is extensive rat infestation, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p>

If there is extensive rat infestation, then it should be identified through routine maintenance activities and their presence may indicate that self-generated work orders are not being addressed.

#### **Deficiency 9 – Infestation: Unit**

<b>Deficiency</b>	Evidence of other pests.
<b>Deficiency Criteria</b>	Evidence is present of pest infestation other than cockroaches, bed bugs, mice, or rats. This may include, but is not limited to, wasps/wasp nests or bees/beehives, squirrels or squirrel nests, birds, or bats. Pests are animals with potential impacts on resident health and safety.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is evidence of infestation, then the resident may be exposed to infectious diseases.</p> <p>If there is evidence of infestation, then the resident may be unable to maintain a sanitary environment.</p> <p>If there is evidence of infestation, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>If there is evidence of infestation, then it should be identified through routine maintenance activities and their presence may indicate that self-generated work orders are not being addressed.</p>

#### **Deficiency 9 – Infestation: Inside**

<b>Deficiency</b>	Evidence of other pests.
<b>Deficiency Criteria</b>	Evidence is present of pest infestation other than cockroaches, bed bugs, mice, or rats. This may include, but is not limited to, wasps/wasp nests or bees/beehives, squirrels or squirrel nests, birds, or bats. Pests are animals with potential impacts on resident health and safety.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days

<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is evidence of infestation, then the resident may be exposed to infectious diseases.</p> <p>If there is evidence of infestation, then the resident may be unable to maintain a sanitary environment.</p> <p>If there is evidence of infestation, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>If there is evidence of infestation, then it should be identified through routine maintenance activities and their presence may indicate that self-generated work orders are not being addressed.</p>

**TABLE 33—LEAK – GAS OR OIL STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A fuel or gas leak refers to an unintended leak of natural gas or another gaseous product from a pipeline or other containment into any area where the gas or fuel should not be present. Gas leaks can be hazardous to health and the environment.
<b>Location</b>	<p>Unit: Near fuel-burning appliance, piping that supplies fuel-burning appliance</p> <p>Inside: Near fuel-burning appliance, piping that supplies fuel-burning appliance</p> <p>Outside: Near fuel-burning appliance, piping that supplies fuel-burning appliance</p>
<b>Deficiency 1 – Leak – Gas or Oil: Unit</b>	
<b>Deficiency</b>	Natural gas, propane, or oil leak.
<b>Deficiency Criteria</b>	<p>There is evidence of a gas, propane, or oil leak.</p> <p>OR</p> <p>There is an uncapped gas or fuel supply line.</p>
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours

<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is evidence of a gas, propane, or oil leak, or there is an uncapped gas or fuel supply line, then the resident may be exposed to harmful gases and be at an increased risk of asphyxiation, which may result in death.</p> <p>If there is evidence of a gas, propane, or oil leak, or there is an uncapped gas or fuel supply line, then there may be an increased safety risk to the resident of fire or explosion, which may result in injury or death.</p> <p>If there is evidence of a gas, propane or oil leak, or there is an uncapped gas or fuel supply line, then the resident may not be able to operate the affected appliances, which are expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice evidence of a gas, propane, or oil leak, or that there is an uncapped gas or fuel supply line within the unit, and to recognize it is important enough to report to property management because it may present health or safety hazards. Property management should be expected to prioritize a work order for evidence of a gas, propane, or oil leak because it may result in health or safety hazards.</p>
<b>Deficiency 1 – Leak – Gas or Oil: Inside</b>	
<b>Deficiency</b>	Natural gas, propane, or oil leak.
<b>Deficiency Criteria</b>	<p>There is evidence of a gas, propane, or oil leak.</p> <p>OR</p> <p>There is an uncapped gas or fuel supply line.</p>
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is evidence of a gas, propane, or oil leak, or there is an uncapped gas or fuel supply line, then the resident may be exposed to harmful gases and be at an increased risk of asphyxiation, which may result in death.</p>

If there is evidence of a gas, propane, or oil leak, or there is an uncapped gas or fuel supply line, then there may be an increased safety risk to the resident of fire or explosion, which may result in injury or death.

If there is evidence of a gas, propane or oil leak, or there is an uncapped gas or fuel supply line, then the resident may not be able to operate the affected appliances, which are expected to be provided and maintained as part of their rent.

Property management would be expected to ensure that staff members understand how to identify evidence of a gas, propane, or oil leak or there is an uncapped gas or fuel supply line. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy the leak, because it may result in health and safety hazards.

#### **Deficiency 1 – Leak – Gas or Oil: Outside**

<b>Deficiency</b>	Natural gas, propane, or oil leak.
<b>Deficiency Criteria</b>	There is evidence of a gas, propane, or oil leak.  OR  There is an uncapped gas or fuel supply line.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is evidence of a gas, propane, or oil leak, or there is an uncapped gas or fuel supply line, then the resident may be exposed to harmful gases and be at an increased risk of illness.</p> <p>If there is evidence of a gas, propane, or oil leak, or there is an uncapped gas or fuel supply line, then there may be an increased safety risk to the resident of fire or explosion, which may result in injury or death.</p> <p>If there is evidence of a gas, propane or oil leak, or there is an uncapped gas or fuel supply line, then the resident may not be able to operate the affected appliances, which are expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify evidence of a gas, propane, or oil leak or there is an uncapped gas or fuel supply line. Management practices would be</p>

expected to assure prompt creation and prioritization of a work order to remedy the leak, because it may result in health and safety hazards.

**TABLE 34—LEAK – SEWAGE SYSTEM STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A sewage system leak refers to the leakage of wastewater out of a sanitary sewer system.
<b>Location</b>	Unit: Drains, toilets, vents, sewer cleanout, cap  Inside: Drains, toilets, vents, sewer cleanout, cap  Outside: Sewer cleanout, cap
<b>Deficiency 1 – Leak – Sewage System: Unit</b>	
<b>Deficiency</b>	Blocked sewage system.
<b>Deficiency Criteria</b>	Wastewater is unable to drain resulting in sewer backup.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If wastewater is unable to drain resulting in sewer backup, then the resident may be exposed to raw sewage. If wastewater is unable to drain resulting in sewer backup, then the resident may not have access to the use of a toilet or shower.</p> <p>If wastewater is unable to drain resulting in sewer backup, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>It is reasonable to expect this deficiency will be observed through routine maintenance, and the presence of this deficiency may indicate that routine work orders are not being addressed.</p> <p>Sewage systems should be checked during periodic property inspections, and according to industry best practices, should be included in a preventative maintenance plan. If wastewater is unable to drain resulting in sewer backup, then it may indicate preventative maintenance activities could be improved.</p> <p>If wastewater is unable to drain resulting in sewer backup, then the repair may be costly depending on the scope of the deficiency.</p>

**Deficiency 1 – Leak – Sewage System: Inside**

<b>Deficiency</b>	Blocked sewage system.
<b>Deficiency Criteria</b>	Wastewater is unable to drain resulting in sewer backup.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If wastewater is unable to drain resulting in sewer backup, then the resident may be exposed to raw sewage. If wastewater is unable to drain resulting in sewer backup, then the resident may not have access to the use of a toilet or shower.</p> <p>If wastewater is unable to drain resulting in sewer backup, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>It is reasonable to expect this deficiency will be observed through routine maintenance, and the presence of this deficiency may indicate that routine work orders are not being addressed.</p> <p>Sewage systems should be checked during periodic property inspections, and according to industry best practices, should be included in a preventative maintenance plan. If wastewater is unable to drain resulting in sewer backup, then it may indicate preventative maintenance activities could be improved.</p> <p>If wastewater is unable to drain resulting in sewer backup, then the repair may be costly depending on the scope of the deficiency.</p>

**Deficiency 1 – Leak – Sewage System: Outside**

<b>Deficiency</b>	Blocked sewage system.
<b>Deficiency Criteria</b>	Wastewater is unable to drain resulting in sewer backup.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If wastewater is unable to drain resulting in sewer backup, then the resident may be exposed to raw sewage. If wastewater is unable to drain resulting in</p>

sewer backup, then the resident may not have access to the use of a toilet or shower.

If wastewater is unable to drain resulting in sewer backup, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.

It is reasonable to expect this deficiency will be observed through routine maintenance, and the presence of this deficiency may indicate that routine work orders are not being addressed.

Sewage systems should be checked during periodic property inspections, and according to industry best practices, should be included in a preventative maintenance plan. If wastewater is unable to drain resulting in sewer backup, then it may indicate preventative maintenance activities could be improved.

If wastewater is unable to drain resulting in sewer backup, then the repair may be costly depending on the scope of the deficiency.

#### **Deficiency 2 – Leak – Sewage System: Unit**

<b>Deficiency</b>	Leak in sewage system.
<b>Deficiency Criteria</b>	There is evidence of a sewer line or fitting leaking.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is evidence of a sewer line or fitting leaking, then the resident may be exposed to raw sewage.</p> <p>If sewer has a leak, then the resident may be exposed to raw sewage.</p> <p>If there is evidence of a sewer line or fitting leaking, then the resident may not have access to the use of a toilet or shower.</p> <p>If there is evidence of a sewer line or fitting leaking, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>It is reasonable to expect this deficiency will be observed through routine maintenance, and the presence of this deficiency may indicate that routine work orders are not being addressed.</p> <p>Sewage systems should be checked during periodic property inspections, and according to industry best practices, should be included in a preventative maintenance plan. If there is evidence of a sewer line or fitting</p>

leaking, then it may indicate preventative maintenance activities could be improved.

If there is evidence of a sewer line or fitting leaking, then the repair may be costly depending on the scope of the deficiency.

#### **Deficiency 2 – Leak – Sewage System: Inside**

<b>Deficiency</b>	Leak in sewage system.
<b>Deficiency Criteria</b>	There is evidence of a sewer line or fitting leaking.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is evidence of a sewer line or fitting leaking, then the resident may be exposed to raw sewage.</p> <p>If sewer has a leak, then the resident may be exposed to raw sewage.</p> <p>If there is evidence of a sewer line or fitting leaking, then the resident may not have access to the use of a toilet or shower.</p> <p>If there is evidence of a sewer line or fitting leaking, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>It is reasonable to expect this deficiency will be observed through routine maintenance, and the presence of this deficiency may indicate that routine work orders are not being addressed.</p> <p>Sewage systems should be checked during periodic property inspections, and according to industry best practices, should be included in a preventative maintenance plan. If there is evidence of a sewer line or fitting leaking, then it may indicate preventative maintenance activities could be improved.</p> <p>If there is evidence of a sewer line or fitting leaking, then the repair may be costly depending on the scope of the deficiency.</p>

#### **Deficiency 2 – Leak – Sewage System: Outside**

<b>Deficiency</b>	Leak in sewage system.
<b>Deficiency Criteria</b>	There is evidence of a sewer line or fitting leaking.
<b>Health and Safety Determination</b>	Severe

<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is evidence of a sewer line or fitting leaking, then the resident may be exposed to raw sewage.</p> <p>If sewer has a leak, then the resident may be exposed to raw sewage.</p> <p>If there is evidence of a sewer line or fitting leaking, then the resident may not have access to the use of a toilet or shower.</p> <p>If there is evidence of a sewer line or fitting leaking, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>It is reasonable to expect this deficiency will be observed through routine maintenance, and the presence of this deficiency may indicate that routine work orders are not being addressed.</p> <p>Sewage systems should be checked during periodic property inspections, and according to industry best practices, should be included in a preventative maintenance plan. If there is evidence of a sewer line or fitting leaking, then it may indicate preventative maintenance activities could be improved.</p> <p>If there is evidence of a sewer line or fitting leaking, then the repair may be costly depending on the scope of the deficiency.</p>

#### **Deficiency 3 – Leak – Sewage System: Unit**

<b>Deficiency</b>	Cap to the cleanout or pump cover is detached or missing.
<b>Deficiency Criteria</b>	Cap to the cleanout or pump cover is detached or missing (i.e., evidence of prior installation, but now not present or is incomplete).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the cap to the cleanout or pump cover is detached or missing, then the resident may be exposed to raw sewage or sewage gases, which may result in illness.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a cap to the cleanout or pump cover is</p>

detached or missing. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect because it may result in health hazards.

### **Deficiency 3 – Leak – Sewage System: Inside**

<b>Deficiency</b>	Cap to the cleanout or pump cover is detached or missing.
<b>Deficiency Criteria</b>	Cap to the cleanout or pump cover is detached or missing (i.e., evidence of prior installation, but now not present or is incomplete).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the cap to the cleanout or pump cover is detached or missing, then the resident may be exposed to raw sewage or sewage gases, which may result in illness.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a cap to the cleanout or pump cover is detached or missing. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect because it may result in health hazards.</p>

### **Deficiency 3 – Leak – Sewage System: Outside**

<b>Deficiency</b>	Cap to the cleanout or pump cover is detached or missing.
<b>Deficiency Criteria</b>	Cap to the cleanout or pump cover is detached or missing (i.e., evidence of prior installation, but now not present or is incomplete).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the cap to the cleanout or pump cover is detached or missing, then the resident may be exposed to raw sewage or sewage gases, which may result in illness.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a cap to the cleanout or pump cover is detached or missing. Management practices would be expected to assure</p>

prompt creation and prioritization of a work order to remedy this defect because it may result in health hazards.

#### **Deficiency 4 – Leak – Sewage System: Unit**

<b>Deficiency</b>	Cleanout cap or riser is damaged.
<b>Deficiency Criteria</b>	Cleanout cap or riser is damaged (i.e., visibly defective; impacts functionality).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the cleanout cap or riser is damaged, then the resident may be exposed to raw sewage or sewage gases, which may result in illness.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a cleanout cap or riser is damaged. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in health hazards.</p>

#### **Deficiency 4 – Leak – Sewage System: Inside**

<b>Deficiency</b>	Cleanout cap or riser is damaged.
<b>Deficiency Criteria</b>	Cleanout cap or riser is damaged (i.e., visibly defective; impacts functionality).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the cleanout cap or riser is damaged, then the resident may be exposed to raw sewage or sewage gases, which may result in illness.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a cleanout cap or riser is damaged. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in health hazards.</p>

#### **Deficiency 4 – Leak – Sewage System: Outside**

<b>Deficiency</b>	Cleanout cap or riser is damaged.
<b>Deficiency Criteria</b>	Cleanout cap or riser is damaged (i.e., visibly defective; impacts functionality).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the cleanout cap or riser is damaged, then the resident may be exposed to raw sewage or sewage gases, which may result in illness.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a cleanout cap or riser is damaged.</p> <p>Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in health hazards.</p>

**TABLE 35—LEAK – WATER STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A water leak can be caused by damage; including a puncture, gash, rust or other corrosion hole, very tiny pinhole leak (possibly in imperfect welds), crack or microcrack, or inadequate sealing between components or parts joined together.
<b>Location</b>	<p>Unit: Ceilings, floors, walls, sinks, dishwashers, washer, water heaters, central water supply lines, drainpipes, sprinkler assembly, plumbing system</p> <p>Inside: Ceilings, floors, walls, sinks, dishwashers, washer, water heaters, central water supply lines, drainpipes, sprinkler assembly, plumbing system</p> <p>Outside: Central water supply lines, sprinkler assembly, plumbing system</p>
<b>Deficiency 1 – Leak – Water: Unit</b>	
<b>Deficiency</b>	Environmental water intrusion.
<b>Deficiency Criteria</b>	Water from the exterior environment is leaking into the interior.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days

<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If water from the exterior environment is leaking into the interior, then this may increase interior moisture levels, which provides an environment favorable for mold growth and may trigger respiratory issues.</p> <p>A resident is likely to notice if water from the exterior environment is leaking into the interior and to recognize it is important enough to report it to property management because it may result in potential health hazards. Property management should be expected to prioritize a work order to remedy this defect because it may result in health hazards.</p>

#### **Deficiency 1 – Leak – Water: Inside**

<b>Deficiency</b>	Environmental water intrusion.
<b>Deficiency Criteria</b>	Water from the exterior environment is leaking into the interior.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If water from the exterior environment is leaking into the interior, then this may increase interior moisture levels, which provides an environment favorable for mold growth and may trigger respiratory issues.</p> <p>Property management would be expected to ensure that staff members understand how to identify if water from the exterior environment is leaking into the interior. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect because it may result in potential health hazards.</p>

#### **Deficiency 2 – Leak – Water: Unit**

<b>Deficiency</b>	Plumbing leak.
<b>Deficiency Criteria</b>	Failure of a plumbing system that allows for water intrusion in unintended areas.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days

<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is a plumbing leak, then this may increase interior moisture levels, which provides an environment favorable for mold growth and may trigger respiratory issues.</p> <p>If there is a plumbing leak, then the resident may be unable to use a fixture or appliance that is expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice if there is a plumbing leak and to recognize it is important enough to report it to property management because it may result in potential health hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this defect because it may result in health hazards.</p>

#### **Deficiency 2 – Leak – Water: Inside**

<b>Deficiency</b>	Plumbing leak.
<b>Deficiency Criteria</b>	Failure of a plumbing system that allows for water intrusion in unintended areas.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is a plumbing leak, then this may increase interior moisture levels, which provides an environment favorable for mold growth and may trigger respiratory issues.</p> <p>If there is a plumbing leak, then the resident may be unable to use a fixture or appliance that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify a plumbing leak. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect because it may result in potential health hazards.</p>

#### **Deficiency 2 – Leak – Water: Outside**

<b>Deficiency</b>	Plumbing leak.
<b>Deficiency Criteria</b>	Failure of a plumbing system that allows for water intrusion in unintended areas.
<b>Health and Safety Determination</b>	Low

<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	<p>If there is a plumbing leak, then the resident may be unable to use a fixture or appliance that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify a plumbing leak. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect because it may result in usability barriers.</p>

#### **Deficiency 3 – Leak – Water: Unit**

<b>Deficiency</b>	Fluid is leaking from the sprinkler assembly.
<b>Deficiency Criteria</b>	Fluid is leaking from the sprinkler assembly.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If fluid is leaking from the sprinkler assembly, then this may increase interior moisture levels, which provides an environment favorable for mold growth and may trigger respiratory issues.</p> <p>A resident is likely to notice if fluid is leaking from the sprinkler assembly and to recognize it is important enough to report it to property management because it may result in potential health hazards. Property management should be expected to prioritize a work order to remedy this defect because it may result in health hazards.</p>

#### **Deficiency 3 – Leak – Water: Inside**

<b>Deficiency</b>	Fluid is leaking from the sprinkler assembly.
<b>Deficiency Criteria</b>	Fluid is leaking from the sprinkler assembly.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days

<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If fluid is leaking from the sprinkler assembly, then this may increase interior moisture levels, which provides an environment favorable for mold growth and may trigger respiratory issues.</p> <p>Property management would be expected to ensure that staff members understand how to identify if fluid is leaking from the sprinkler assembly. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect because it may result in potential health hazards.</p>
<b>Deficiency 3 – Leak – Water: Outside</b>	
<b>Deficiency</b>	Fluid is leaking from the sprinkler assembly.
<b>Deficiency Criteria</b>	Fluid is leaking from the sprinkler assembly.
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	<p>Property management would be expected to ensure that staff members understand how to identify if fluid is leaking from the sprinkler assembly. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect because it may cause property damage.</p>

**TABLE 36—LIGHTING – AUXILIARY STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	Lighting that is essential to safety in the event of primary power supply failure.
<b>Location</b>	<p>Inside: Throughout the Inside.</p> <p>Outside: Throughout the Outside.</p>
<b>Deficiency 1 – Lighting – Auxiliary: Inside</b>	
<b>Deficiency</b>	Auxiliary lighting is damaged, missing, or fails to illuminate when tested.
<b>Deficiency Criteria</b>	Auxiliary lighting is damaged (i.e., visibly defective; impacts functionality), missing (i.e., evidence of prior installation, but is now not present or is incomplete), or fails to illuminate when tested.

<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the auxiliary lighting is damaged, missing, or fails to illuminate when tested, and there is an emergency, then the resident may be unable to safely exit the building due to inability to see the egress.</p> <p>If the auxiliary lighting is damaged, missing, or fails to illuminate when tested, then the resident may be unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify an auxiliary light that is damaged, missing, or fails to illuminate when tested. Management practices would be expected to ensure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards or usability barriers.</p>

#### **Deficiency 1 – Lighting – Auxiliary: Outside**

<b>Deficiency</b>	Auxiliary lighting is damaged, missing, or fails to illuminate when tested.
<b>Deficiency Criteria</b>	Auxiliary lighting is damaged (i.e., visibly defective; impacts functionality), missing (i.e., evidence of prior installation, but is now not present or is incomplete), or fails to illuminate when tested.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the auxiliary lighting is damaged, missing, or fails to illuminate when tested, and there is an emergency, then the resident may be unable to safely exit the building due to inability to see the egress.</p> <p>If the auxiliary lighting is damaged, missing, or fails to illuminate when tested, then the resident may be unable to use a feature that is expected to be provided and maintained as part of their rent.</p>

Property management would be expected to ensure that staff members understand how to identify an auxiliary light that is damaged, missing, or fails to illuminate when tested. Management practices would be expected to ensure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards or usability barriers.

**TABLE 37—LIGHTING – EXTERIOR STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	Fixed artificial lighting (e.g., walkway lighting, pole lighting, wall packs, and canopy lights) that is used to illuminate exterior areas (e.g., entryways, parking lots, and exterior stairwells).
<b>Location</b>	Outside: Throughout the Outside.
<b>Deficiency 1 – Lighting – Exterior: Outside</b>	
<b>Deficiency</b>	A permanently installed light fixture is damaged, inoperable, missing, or not secure.
<b>Deficiency Criteria</b>	<p>A permanently installed light fixture is damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>A permanently installed light fixture is inoperable (i.e., overall system or component thereof is not meeting function or purpose; with or without visible damage).</p> <p>OR</p> <p>A permanently installed light fixture is missing (i.e., evidence of prior installation, but now not present or is incomplete).</p> <p>OR</p> <p>A permanently installed light fixture is not secure to the designed attachment point or the attachment point is not stable.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If a permanently installed light fixture is damaged, inoperable, missing, or not secure, then conditions may be present that may result in a short or arc, which may lead to an increased fire risk that could cause injury.</p> <p>Property management would be expected to ensure that staff members understand how to identify a permanently installed light fixture that is damaged, inoperable, missing, or not secure. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p>
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**TABLE 38—LIGHTING – INTERIOR STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	Permanently installed light fixture.
<b>Location</b>	<p>Unit: Throughout the Unit.</p> <p>Inside: Throughout the Inside.</p>
<b>Deficiency 1 – Lighting – Interior: Unit</b>	
<b>Deficiency</b>	A permanently installed light fixture is inoperable.
<b>Deficiency Criteria</b>	A permanently installed light fixture is inoperable (i.e., the overall system or component thereof is not meeting function or purpose; with or without visible damage).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a permanently installed light fixture is inoperable, then it may indicate conditions are present that may result in a short or arc, which may lead to an increased fire risk that could cause injury.</p> <p>If a permanently installed light fixture is inoperable, then the resident may not be able to fully use a fixture that is expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice if a permanently installed light fixture is inoperable and to recognize it is important enough to report it to property management because it may present safety hazards or usability barriers.</p>

Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards.

#### **Deficiency 1 – Lighting – Interior: Inside**

<b>Deficiency</b>	A permanently installed light fixture is inoperable.
<b>Deficiency Criteria</b>	A permanently installed light fixture is inoperable (i.e., the overall system or component thereof is not meeting function or purpose; with or without visible damage).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a permanently installed light fixture is inoperable, then it may indicate conditions are present that may result in a short or arc, which may lead to an increased fire risk that could cause injury.</p> <p>If a permanently installed light fixture is inoperable, then the resident may not be able to fully use a fixture that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify a permanently installed light fixture that is inoperable. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards or usability barriers.</p>

#### **Deficiency 2 – Lighting – Interior: Unit**

<b>Deficiency</b>	A permanently installed light fixture is not secure.
<b>Deficiency Criteria</b>	A permanently installed light fixture is not secure to the designed attachment point or the attachment point is not stable.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If a permanently installed light fixture is not secure to the designed attachment point or the attachment point is not stable, then it may indicate conditions are present that may result in a short or arc, which may lead to an increased fire risk that could cause injury.</p> <p>A resident is likely to notice if a permanently installed light fixture is not secure to the designed attachment point or the attachment point is not stable and to recognize it is important enough to report it to property management because it may present safety hazards. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards.</p>
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**Deficiency 2 – Lighting – Interior: Inside**

<b>Deficiency</b>	A permanently installed light fixture is not secure.
<b>Deficiency Criteria</b>	A permanently installed light fixture is not secure to the designed attachment point or the attachment point is not stable.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a permanently installed light fixture is not secure to the designed attachment point or the attachment point is not stable, then it may indicate conditions are present that may result in a short or arc, which may lead to an increased fire risk that could cause injury.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a permanently installed light fixture is not secure to the designed attachment point or the attachment point is not stable. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p>

**Deficiency 3 – Lighting – Interior: Unit** **Affirmative Habitability Requirement: Yes**

<b>Deficiency</b>	At least one (1) permanently installed light fixture is not present in the kitchen and bathroom.
<b>Deficiency Criteria</b>	At least one (1) permanently installed light fixture is not present in the kitchen and bathroom.
<b>Health and Safety Determination</b>	Moderate

<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If at least one (1) permanently installed light fixture is not present in the kitchen and bathroom, then there may be an increased safety risk to the resident due to their inability to visually navigate these spaces, which may result in injury.</p> <p>A resident is likely to notice if at least one (1) permanently installed light fixture is not present in the kitchen and bathroom and recognize it is important enough to report to property management because it may present safety hazards. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards or usability barriers.</p>

<b>Deficiency 3 – Lighting – Interior: Inside</b>		<b>Affirmative Habitability Requirement: Yes</b>
<b>Deficiency</b>	At least one (1) permanently installed light fixture is not present in the kitchen and bathroom.	
<b>Deficiency Criteria</b>	At least one (1) permanently installed light fixture is not present in the kitchen and bathroom.	
<b>Health and Safety Determination</b>	Moderate	
<b>Correction Timeframe</b>	30 days	
<b>HCV Correction Timeframe</b>	30 days	
<b>HCV Pass/Fail</b>	Fail	
<b>Rationale</b>	<p>If at least one (1) permanently installed light fixture is not present in the kitchen and bathroom, then there may be an increased safety risk to the resident due to their inability to visually navigate these spaces, which may result in injury.</p> <p>Property management would be expected to ensure that staff members understand how to identify if at least one (1) permanently installed light fixture is not present in the kitchen and bathroom. Management practices would be expected to assure prompt creation and prioritization of a work order to illuminate these spaces, because it may result in safety hazards.</p>	

**TABLE 39—LITTER STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	Waste discarded or disposed of in a location that is not designated for waste.
<b>Location</b>	Inside: Throughout the Inside.  Outside: Throughout the Outside.
<b>Deficiency 1 – Litter: Inside</b>	
<b>Deficiency</b>	Litter is accumulated in an undesignated area.
<b>Deficiency Criteria</b>	10 or more small items of litter (e.g., food wrappers, pieces of food, newspapers) are present within a 10-foot by 10-foot area not designated for garbage.  OR  Any number of large items (e.g., furniture or appliances) have been clearly discarded in an area not designated for garbage.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	If litter is accumulated, then it may lead to infestation, which may negatively impact the resident's health.  If litter is accumulated, then the resident may be exposed to unsanitary conditions.  If litter is accumulated, then it will likely be identified during routine maintenance activities and the presence of this deficiency may indicate that self-generated work orders are not being addressed.  If litter is accumulated and it is visible to a visitor, then the property may suffer reputational harm.
<b>Deficiency 1 – Litter: Outside</b>	
<b>Deficiency</b>	Litter is accumulated in an undesignated area.
<b>Deficiency Criteria</b>	10 or more small items of litter (e.g., food wrappers, pieces of food, newspapers) are present within a 10-foot by 10-foot area not designated for garbage.

	OR  Any number of large items (e.g., furniture or appliances) have been clearly discarded in an area not designated for garbage.
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	<p>If litter is accumulated, then it will likely be identified during routine maintenance activities and the presence of this deficiency may indicate that self-generated work orders are not being addressed.</p> <p>If litter is accumulated and it is visible to a visitor, then the property may suffer reputational harm.</p>

**TABLE 40—MINIMUM ELECTRICAL AND LIGHTING STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	<p>Lighting: Permanently installed light fixture.</p> <p>Outlet: Installations that connect to an electrical supply.</p>
<b>Location</b>	Unit: Habitable rooms throughout the Unit
<b>Deficiency 1 – Minimum Electrical and Lighting: Unit      Affirmative Habitability Requirement: Yes</b>	
<b>Deficiency</b>	<p>At least two (2) working outlets are not present within each habitable room.</p> <p>OR</p> <p>At least one (1) working outlet and one (1) permanently installed light fixture is not present within each habitable room.</p>
<b>Deficiency Criteria</b>	<p>At least two (2) working outlets are not present within each habitable room.</p> <p>OR</p> <p>At least one (1) working outlet and one (1) permanently installed light fixture is not present within each habitable room.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days

<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If at least two (2) working outlets or one (1) working outlet and one (1) permanently installed light fixture is not present within each habitable room, then there may be an increased safety risk to the resident due to their inability to visually navigate these spaces, which may result in injury.</p> <p>A resident is likely to notice if at least two (2) working outlets or one (1) working outlet and one (1) permanently installed light fixture is not present within each habitable room. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards.</p>

**TABLE 41—MOLD-LIKE SUBSTANCE STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	<p>A “Mold-like substance” can include regular or irregular patches or spots on surfaces that can be colored differently than the surface (coloration can be white, green, yellow, gray, brown, or black), and can be raised from the surface, and are generally composed of minute filaments. A “Mold-like substance” can appear “fuzzy” or “cottony” and a musty or earthy odor can be associated with it.</p> <p>“Mold-like substance” would also include what is often identified as “mildew,” i.e., small patches, generally on non-porous surfaces, and dusty (friable) when dry; mildew is generally a thin surface growth that can be wiped off easily. Note that algae are not mold-like substances (algae are grass-green).</p>
<b>Location</b>	<p>Unit: Includes areas where there could be potential water intrusion or captive moisture: e.g., walls, floors, ceilings, bathrooms, kitchens, bedrooms, closets, basements, laundry rooms, any other area that wood, drywall, and moisture are present. This list is not exhaustive for all areas to be inspected for mold-like substance.</p> <p>Inside: Includes areas where there could be potential water intrusion or captive moisture: e.g., walls, floors, ceilings, bathrooms, kitchens, mechanical rooms, basements, laundry rooms, any other area that wood, drywall, and moisture are present. This list is not exhaustive for all areas to be inspected for mold-like substance.</p>
<b>Deficiency 1 – Mold-Like Substance: Unit</b>	
<b>Deficiency</b>	Presence of mold-like substance at moderate levels is observed visually.

<b>Deficiency Criteria</b>	Cumulative area of patches is more than 4 square inches and less than 1 square foot in a room.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>A mold-like substance may be indicative of conditions that affect indoor air quality that may negatively impact respiratory health, including triggering asthma events.</p> <p>A resident is likely to notice a mold-like substance and recognize it is important enough to report it to property management. Property management should be expected to prioritize a work order for this condition and its presence may imply there are areas of opportunity to improve corrective maintenance practices.</p> <p>A mold-like substance may be indicative of conditions that may negatively impact structural conditions of the building, such as leaks or ventilation, that would require repair in order to appropriately remediate the mold-like substance.</p> <p>A mold-like substance may be indicative of conditions that affect indoor air quality that may negatively impact respiratory health, including triggering asthma events; HUD may be financially liable for subsequent health impacts.</p>

#### **Deficiency 1 – Mold-Like Substance: Inside**

<b>Deficiency</b>	Presence of mold-like substance at moderate levels is observed visually.
<b>Deficiency Criteria</b>	Cumulative area of patches is more than 4 square inches and less than 1 square foot in a room.
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	Outside of the Unit, residents may avoid lengthy exposure in areas with moderate levels of a mold-like substance. However, a mold-like substance in the Inside may lead to conditions that affect indoor air quality within the

Unit. These conditions may negatively impact respiratory health, including triggering asthma events. A resident is likely to notice a mold-like substance and recognize it is important enough to report it to property management. Property management should be expected to prioritize a work order for this condition and its presence may imply there are areas of opportunity to improve corrective maintenance practices.

Facilities management and staff are likely to notice a mold-like substance during their regular, routine activities and its importance is likely to be recognized by facilities management and staff. Property management should be expected to prioritize a work order for this condition and its presence may imply there are areas of opportunity to improve routine maintenance practices.

A mold-like substance may be indicative of conditions that may negatively impact structural conditions of the building, such as leaks or ventilation, that would require repair in order to appropriately remediate the mold-like substance.

A mold-like substance may be indicative of conditions that affect indoor air quality that may negatively impact respiratory health, including triggering asthma events; HUD may be financially liable for subsequent health impacts.

#### **Deficiency 2 – Mold-Like Substance: Unit**

<b>Deficiency</b>	Presence of mold-like substance at high levels is observed visually.
<b>Deficiency Criteria</b>	Cumulative area of patches is more than 1 square foot and less than 9 square feet in a room.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>A mold-like substance may be indicative of conditions that affect indoor air quality that may negatively impact respiratory health, including triggering asthma events.</p> <p>A resident is likely to notice a mold-like substance and recognize it is important enough to report it to property management. Property management should be expected to prioritize a work order for this condition and its presence may imply there are areas of opportunity to improve corrective maintenance practices.</p>

A mold-like substance may be indicative of conditions that may negatively impact structural conditions of the building, such as leaks or ventilation, that would require repair in order to appropriately remediate the mold-like substance.

A mold-like substance may be indicative of conditions that affect indoor air quality that may negatively impact respiratory health, including triggering asthma events; HUD may be financially liable for subsequent health impacts.

#### **Deficiency 2 – Mold-Like Substance: Inside**

<b>Deficiency</b>	Presence of mold-like substance at high levels is observed visually.
<b>Deficiency Criteria</b>	Cumulative area of patches is more than 1 square foot and less than 9 square feet in a room.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>A mold-like substance may be indicative of conditions that affect indoor air quality that may negatively impact respiratory health, including triggering asthma events. Outside of the Unit, residents may temporarily avoid lengthy exposure in areas with high levels of a mold-like substance.</p> <p>A resident is likely to notice a mold-like substance and recognize it is important enough to report it to property management. Property management should be expected to prioritize a work order for this condition and its presence may imply there are areas of opportunity to improve corrective maintenance practices.</p> <p>Facilities management and staff are likely to notice a mold-like substance during their regular, routine activities and its importance is likely to be recognized by facilities management and staff. Property management should be expected to prioritize a work order for this condition and its presence may imply there are areas of opportunity to improve routine maintenance practices.</p> <p>A mold-like substance may be indicative of conditions that may negatively impact structural conditions of the building, such as leaks or ventilation, that would require repair in order to appropriately remediate the mold-like substance.</p> <p>A mold-like substance may be indicative of conditions that affect indoor air quality that may negatively impact respiratory health, including triggering</p>

asthma events; HUD may be financially liable for subsequent health impacts.

### Deficiency 3 – Mold-Like Substance: Unit

<b>Deficiency</b>	Presence of mold-like substance at extremely high levels is observed visually.
<b>Deficiency Criteria</b>	Cumulative area of patches is more than 9 square foot in a room.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>A mold-like substance may be indicative of conditions that present a severe health risk due to indoor air quality that may negatively impact respiratory health, including triggering asthma events.</p> <p>A resident is likely to notice a mold-like substance and recognize it is important enough to report it to property management. Property management should be expected to prioritize a work order for this condition and its presence may imply there are areas of opportunity to improve corrective maintenance practices.</p> <p>Facilities management and staff are likely to notice a mold-like substance during their regular, routine activities and its importance is likely to be recognized by facilities management and staff. Property management should be expected to prioritize a work order for this condition and its presence may imply there are areas of opportunity to improve routine maintenance practices.</p> <p>A mold-like substance may be indicative of conditions that may negatively impact structural conditions of the building, such as leaks or ventilation, that would require repair in order to appropriately remediate the mold-like substance.</p>

### Deficiency 3 – Mold-Like Substance: Inside

<b>Deficiency</b>	Presence of mold-like substance at extremely high levels is observed visually.
<b>Deficiency Criteria</b>	Cumulative area of patches is more than 9 square foot in a room.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours

<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>A mold-like substance may be indicative of conditions that present a severe health risk due to indoor air quality that may negatively impact respiratory health, including triggering asthma events.</p> <p>A resident is likely to notice a mold-like substance and recognize it is important enough to report it to property management. Property management should be expected to prioritize a work order for this condition and its presence may imply there are areas of opportunity to improve corrective maintenance practices.</p> <p>Facilities management and staff are likely to notice a mold-like substance during their regular, routine activities and its importance is likely to be recognized by facilities management and staff. Property management should be expected to prioritize a work order for this condition and its presence may imply there are areas of opportunity to improve routine maintenance practices.</p> <p>A mold-like substance may be indicative of conditions that may negatively impact structural conditions of the building, such as leaks or ventilation, that would require repair in order to appropriately remediate the mold-like substance.</p>

#### Deficiency 4 – Mold-Like Substance: Unit

<b>Deficiency</b>	Elevated moisture level.
<b>Deficiency Criteria</b>	Elevated moisture level.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If interior moisture level is elevated, then there may be an environment favorable for mold growth, which may trigger respiratory issues.</p> <p>A resident is likely to notice if there is an elevated moisture level and to recognize it is important enough to report it to property management because it may result in potential health hazards. Property management should be expected to prioritize a work order to remedy this defect because it may result in health hazards.</p>

#### Deficiency 4 – Mold-Like Substance: Inside

<b>Deficiency</b>	Elevated moisture level.
<b>Deficiency Criteria</b>	Elevated moisture level.
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	Property management would be expected to ensure that staff members understand how to identify elevated moisture level. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect because it may result in potential health hazards.

**TABLE 42—PARKING LOT STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A designated outdoor area for parking motorized vehicles.
<b>Location</b>	Outside: Near or adjacent to buildings
<b>Deficiency 1 – Parking Lot: Outside</b>	
<b>Deficiency</b>	Parking lot has any one pothole that is 4 inches deep and 1 square foot or greater.
<b>Deficiency Criteria</b>	Parking lot has any one pothole that is 4 inches deep and 1 square foot or greater.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If a parking lot has any one pothole that is 4 inches deep and 1 square foot or greater, then there is potential for increased risk of injury from tripping or falling.</p> <p>If a parking lot has any one pothole that is 4 inches deep and 1 square foot or greater, then the resident may not be able to fully use a feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a parking lot has any one pothole that is 4 inches deep and 1 square foot or greater. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p> <p>If a parking lot has any one pothole that is 4 inches deep and 1 square foot or greater, then there is an increased risk of damage to the resident's vehicle.</p> <p>If a parking lot has any one pothole that is 4 inches deep and 1 square foot or greater, then this deficiency may be seen by the public and may result in reputational harm.</p>
<b>Deficiency 2 – Parking Lot: Outside</b>	
<b>Deficiency</b>	Parking lot has ponding.
<b>Deficiency Criteria</b>	More than 3 inches of water has accumulated in a parking lot and 5% or more of the parking lot is unusable.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If more than 3 inches of water has accumulated in a parking lot and 5% or more of the parking lot is unusable, and it obscures other hazards, then the resident's risk of injury may increase.</p> <p>If more than 3 inches of water has accumulated in a parking lot and 5% or more of the parking lot is unusable, then the resident may not be able to fully use a feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify if more than 3 inches of water has accumulated in a parking lot and 5% or more of the parking lot is unusable. Management practices would be expected to assure prompt creation and prioritization of</p>

a work order to remedy this deficiency because it may result in safety hazards.

**TABLE 43—POTENTIAL LEAD-BASED PAINT HAZARDS – VISUAL ASSESSMENT STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	Lead-based paint (LBP) is paint or other surface coatings that contain lead equal to or exceeding federal regulatory levels, currently 1.0 milligram per square centimeter or 0.5 percent by weight. Deteriorated paint or surface coatings found in homes built before 1978 are LBP hazards if the paint is LBP. Visual Assessment is surface by surface determination of paint condition.
<b>Location</b>	Unit: Anywhere paint is present  Inside: Anywhere paint is present  Outside: Anywhere paint is present
<b>Deficiency 1 – Potential Lead-Based Paint Hazards – Visual Assessment: Unit</b>	
<b>Deficiency</b>	Paint in a Unit or Inside the target property is deteriorated – below the level required for lead-safe work practices by a lead-certified firm or for passing clearance.
<b>Deficiency Criteria</b>	Paint is deteriorated (e.g., peeling, chipping, chalking, cracking, or detached from the substrate). For large surface areas in the Unit, deteriorated paint is less than or equal to 2 square feet per room; for small surface areas, less than or equal to 10% per component (“de minimis”).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If deteriorated lead-based paint is present, then it may be ingested by young children and cause damage to the brain, the nervous system, other vital organs, and blood, and may also cause behavioral problems, learning disabilities, seizures, etc.</p> <p>If deteriorated lead-based paint is present, then significant costs may be incurred associated with control.</p>

If deteriorated lead-based paint is present, and a resident becomes ill as a result of exposure, then HUD may be financially liable.

#### **Deficiency 1 – Potential Lead-Based Paint Hazards – Visual Assessment: Inside**

<b>Deficiency</b>	Paint in a Unit or Inside the target property is deteriorated – below the level required for lead-safe work practices by a lead-certified firm or for passing clearance.
<b>Deficiency Criteria</b>	Paint is deteriorated (e.g., peeling, chipping, chalking, cracking, or detached from the substrate). For large surface areas inside the target property, deteriorated paint is less than or equal to 2 square feet per room; for small surface areas, less than or equal to 10% per component (“de minimis”).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If deteriorated lead-based paint is present, then it may be ingested by young children and cause damage to the brain, the nervous system, other vital organs, and blood, and may also cause behavioral problems, learning disabilities, seizures, etc.</p> <p>If deteriorated lead-based paint is present, then significant costs may be incurred associated with control.</p> <p>If deteriorated lead-based paint is present, and a resident becomes ill as a result of exposure, then HUD may be financially liable.</p>

#### **Deficiency 2 – Potential Lead-Based Paint Hazards – Visual Assessment: Unit**

<b>Deficiency</b>	Paint in a Unit or Inside the target property is deteriorated – above the level required for lead-safe work practices by a lead-certified firm and passing clearance.
<b>Deficiency Criteria</b>	Paint is deteriorated (e.g., peeling, chipping, chalking, cracking, or detached from the substrate). For large surface areas in the Unit, deteriorated paint is more than 2 square feet per room; for small surface areas, greater than 10% per component (“significant”).
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours

<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If deteriorated lead-based paint is present, then it may be ingested by young children and cause damage to the brain, the nervous system, other vital organs, and blood, and may also cause behavioral problems, learning disabilities, seizures, etc.</p> <p>If deteriorated lead-based paint is present, then significant costs may be incurred associated with control.</p> <p>If deteriorated lead-based paint is present, and a resident becomes ill as a result of exposure, then HUD may be financially liable.</p>

#### **Deficiency 2 – Potential Lead-Based Paint Hazards – Visual Assessment: Inside**

<b>Deficiency</b>	Paint in a Unit or Inside the target property is deteriorated – above the level required for lead-safe work practices by a lead-certified firm and passing clearance.
<b>Deficiency Criteria</b>	Paint is deteriorated (e.g., peeling, chipping, chalking, cracking, or detached from the substrate). For large surface areas Inside the target property, deteriorated paint is more than 2 square feet per room; for small surface areas, greater than 10% per component (“significant”).
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If deteriorated lead-based paint is present, then it may be ingested by young children and cause damage to the brain, the nervous system, other vital organs, and blood, and may also cause behavioral problems, learning disabilities, seizures, etc.</p> <p>If lead-based paint is present, then significant costs may be incurred associated with control.</p> <p>If lead-based paint is present, and a resident becomes ill as a result of exposure, then HUD may be financially liable.</p>

#### **Deficiency 3 – Potential Lead-Based Paint Hazards – Visual Assessment: Outside**

<b>Deficiency</b>	Paint Outside on a target property is deteriorated – below the level required for lead-safe work practices by a lead-certified firm or for passing clearance.
<b>Deficiency Criteria</b>	Paint is deteriorated (e.g., peeling, chipping, chalking, cracking, or detached from the substrate). Deteriorated paint is less than or equal to 20 square feet (“de minimis”).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If deteriorated lead-based paint is present, then it may be ingested by young children and cause damage to the brain, the nervous system, other vital organs, and blood, and may also cause behavioral problems, learning disabilities, seizures, etc.</p> <p>If deteriorated lead-based paint is present, then significant costs may be incurred associated with control.</p> <p>If deteriorated lead-based paint is present, and a resident becomes ill as a result of exposure, then HUD may be financially liable.</p>

#### **Deficiency 4 – Potential Lead-Based Paint Hazards – Visual Assessment: Outside**

<b>Deficiency</b>	Paint Outside on a target property is deteriorated – above the level required for lead-safe work practices by a lead-certified firm and passing clearance.
<b>Deficiency Criteria</b>	Paint is deteriorated (e.g., peeling, chipping, chalking, cracking, or detached from the substrate). Deteriorated paint is more than 20 square feet (“significant”).
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If deteriorated lead-based paint is present, then it may be ingested by young children and cause damage to the brain, the nervous system, other vital organs, and blood, and may also cause behavioral problems, learning disabilities, seizures, etc.</p> <p>If deteriorated lead-based paint is present, then significant costs may be incurred associated with control.</p> <p>If deteriorated lead-based paint is present, and a resident becomes ill as a result of exposure, then HUD may be financially liable.</p>
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**TABLE 44—PRIVATE ROADS AND DRIVEWAYS STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	Road leading from a public road to a dwelling or garage.
<b>Location</b>	Outside: Throughout the site
<b>Deficiency 1 – Private Roads and Driveways: Outside</b>	
<b>Deficiency</b>	Road or driveway access to the property is blocked or impassable for vehicles.
<b>Deficiency Criteria</b>	Road or driveway access to the property is blocked or impassable for vehicles.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If road or driveway access to the property is blocked or impassable for vehicles, then emergency vehicles would have trouble accessing the property.</p> <p>If road or driveway access to the property is blocked or impassable for vehicles, then the resident may not be able to fully use a feature that is expected to be provided and maintained as part of their rent.</p> <p>If road or driveway access to the property is blocked or impassable for vehicles, then it will likely be identified during routine maintenance activities and the presence of this deficiency may indicate that self-generated work orders are not being addressed.</p>
<b>Deficiency 2 – Private Roads and Driveways: Outside</b>	

<b>Deficiency</b>	Road or driveway has any one pothole that is 4 inches deep and 1 square foot or greater.
<b>Deficiency Criteria</b>	Any one pothole is 4 inches deep and 1 square foot or greater.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a road or driveway has any one pothole that is 4 inches deep and 1 square foot or greater, then there is potential for increased risk of injury from tripping or falling.</p> <p>If a road or driveway has any one pothole that is 4 inches deep and 1 square foot or greater, then the resident may not be able to fully use a feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a road or driveway has any one pothole that is 4 inches deep and 1 square foot or greater. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p> <p>If a road or driveway has any one pothole that is 4 inches deep and 1 square foot or greater, then there is an increased risk of damage to the resident's vehicle.</p> <p>If a road or driveway has any one pothole that is 4 inches deep and 1 square foot or greater, then this deficiency may be seen by the public and may result in reputational harm.</p>

**TABLE 45—REFRIGERATOR STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A device designed to keep food from spoiling by cooling and freezing.
<b>Location</b>	<p>Unit: Kitchen or any area or room the resident or property may choose to have a refrigerator.</p> <p>Inside: Kitchen, community room, or any area or room the property may choose to have a refrigerator.</p>
<b>Deficiency 1 – Refrigerator: Unit</b>	

<b>Deficiency</b>	Refrigerator is inoperable such that it may be unable to safely and adequately store food.
<b>Deficiency Criteria</b>	Refrigerator is inoperable (i.e., overall system is not meeting function or purpose; with or without visible damage) such that it may be unable to safely and adequately store food.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a refrigerator is inoperable such that it may be unable to safely and adequately store food, then the resident may be exposed to pathogen growth on food that increases the risk of foodborne illness.</p> <p>If a refrigerator is inoperable such that it may be unable to safely and adequately store food, then the resident may not be able to fully use an appliance that is expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice if a refrigerator is inoperable such that it may be unable to safely and adequately store food and to recognize it is important enough to report it to property management because it may present health hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in health hazards or usability barriers.</p>

#### **Deficiency 1 – Refrigerator: Inside**

<b>Deficiency</b>	Refrigerator is inoperable such that it may be unable to safely and adequately store food.
<b>Deficiency Criteria</b>	Refrigerator is inoperable (i.e., overall system is not meeting function or purpose; with or without visible damage) such that it may be unable to safely and adequately store food.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days

<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a refrigerator is inoperable such that it may be unable to safely and adequately store food, then the resident may be exposed to pathogen growth on food that increases the risk of foodborne illness.</p> <p>If a refrigerator is inoperable such that it may be unable to safely and adequately store food, then the resident may not be able to fully use an appliance that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify a refrigerator that is inoperable such that it may be unable to safely and adequately store food. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in health hazards or usability barriers.</p>
<b>Deficiency 2 – Refrigerator: Unit</b>	
<b>Deficiency</b>	Refrigerator component is damaged such that it impacts functionality.
<b>Deficiency Criteria</b>	Refrigerator component is damaged (i.e., visibly defective) such that it impacts functionality.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a refrigerator component is damaged such that it impacts functionality, then the resident may be exposed to pathogen growth on food that increases the risk of foodborne illness.</p> <p>If a refrigerator component is damaged such that it impacts functionality, then the resident may not be able to fully use an appliance that is expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice if a refrigerator component is damaged such that it impacts functionality and to recognize it is important enough to report it to property management because it may present health hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in health hazards or usability barriers.</p>

**Deficiency 2 – Refrigerator: Inside**

<b>Deficiency</b>	Refrigerator component is damaged such that it impacts functionality.
<b>Deficiency Criteria</b>	Refrigerator component is damaged (i.e., visibly defective) such that it impacts functionality.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a refrigerator component is damaged such that it impacts functionality, then the resident may be exposed to pathogen growth on food that increases the risk of foodborne illness.</p> <p>If a refrigerator component is damaged such that it impacts functionality, then the resident may not be able to fully use an appliance that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify a refrigerator component that is damaged such that it impacts functionality. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in usability barriers.</p>

<b>Deficiency 3 – Refrigerator: Unit</b>		<b>Affirmative Habitability Requirement: Yes</b>
<b>Deficiency</b>	Refrigerator is missing.	
<b>Deficiency Criteria</b>	Refrigerator is missing (i.e., evidence of prior installation, but is now not present).	
<b>Health and Safety Determination</b>	Moderate	
<b>Correction Timeframe</b>	30 days	
<b>HCV Correction Timeframe</b>	30 days	
<b>HCV Pass/Fail</b>	Fail	
<b>Rationale</b>	If a refrigerator is missing, then the resident may be exposed to pathogen growth on food that increases the risk of foodborne illness.	

If a refrigerator is missing, then the resident may not be able to fully use an appliance that is expected to be provided and maintained as part of their rent.

A resident is likely to notice if a refrigerator is missing and to recognize it is important enough to report it to property management because it may present health hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in health hazards or usability barriers.

**TABLE 46—RETAINING WALL STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A vertical structure that retains soil or rock at various grades.
<b>Location</b>	Outside: Property grounds.
<b>Deficiency 1 – Retaining Wall: Outside</b>	
<b>Deficiency</b>	Retaining wall is leaning away from the fill side.
<b>Deficiency Criteria</b>	Retaining wall is leaning away from the fill side.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a retaining wall is leaning away from the fill side, then the resident may be at risk of injury due to potential wall collapse.</p> <p>If a retaining wall is leaning away from the fill side, then it will likely be identified during routine maintenance activities and the presence of this deficiency may indicate that self-generated work orders are not being addressed.</p>
<b>Deficiency 2 – Retaining Wall: Outside</b>	
<b>Deficiency</b>	Retaining wall is partially or completely collapsed.
<b>Deficiency Criteria</b>	Retaining wall is partially or completely collapsed.
<b>Health and Safety Determination</b>	Moderate

<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a retaining wall is partially or completely collapsed, then the resident may be exposed to potential hazards.</p> <p>If a retaining wall is partially or completely collapsed, then it will likely be identified during routine maintenance activities and the presence of this deficiency may indicate that self-generated work orders are not being addressed.</p> <p>If a retaining wall is partially or completely collapsed, then this could be a substantial cost to correct.</p>

**TABLE 47—ROOF ASSEMBLY STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	The external upper covering of a house or other building.
<b>Location</b>	Outside: On top of building.
<b>Deficiency 1 – Roof Assembly: Outside</b>	
<b>Deficiency</b>	Restricted flow of water from a roof drain, gutter, or downspout.
<b>Deficiency Criteria</b>	<p>Debris is limiting the ability of water to drain; water may not be present.</p> <p>OR</p> <p>An area of approximately 25 square feet of ponding water is located above the drain.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	If debris is limiting the ability of water to drain, then ponding water may occur and promote infestation.

If debris is limiting the ability of water to drain or approximately 25 square feet of ponding water is located above the drain, then it is likely routine work orders are not being addressed.

The roof assembly should be checked during periodic property inspections, and according to industry best practices, should be included in a preventative maintenance plan. If debris is limiting the ability of water to drain or approximately 25 square feet of ponding water is located above the drain, then it may indicate preventative maintenance activities could be improved.

If debris is limiting the ability of water to drain, and ponding water occurs, then it may indicate a level of structural failure in the roof assembly, which will likely result in significant costs to repair.

If debris is limiting the ability of water to drain, and ponding water occurs, then there will be increased weight on the roof resulting in possible collapse. Additionally, the presence of this deficiency may indicate a level of structural failure in the roof assembly.

#### **Deficiency 2 – Roof Assembly: Outside**

<b>Deficiency</b>	Gutter component is damaged, missing, or unfixed.
<b>Deficiency Criteria</b>	<p>Gutter component is damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>Gutter component is missing (i.e., evidence of prior installation, but now not present or is incomplete).</p> <p>OR</p> <p>Gutter component is unfixed.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a gutter component is damaged, missing, or unfixed, then the resident may be injured by falling components.</p> <p>If a gutter component is damaged, missing, or unfixed, and a stream of water is diverted off its intended course, then the resident cannot fully use</p>

a feature that is expected to be provided and maintained as part of their rent.

If a gutter component is damaged, missing, or unfixed, then the resident would likely report this deficiency, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.

### **Deficiency 3 – Roof Assembly: Outside**

<b>Deficiency</b>	Roof surface has standing water.
<b>Deficiency Criteria</b>	Water ponding in an area approximately 25 square feet or greater on a flat roof surface not near a drain or scupper.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is water ponding in an area approximately 25 square feet or greater on a flat roof surface not near a drain or scupper, this may promote an environment conducive to infestation, which may jeopardize the resident's health.</p> <p>If there is water ponding in an area approximately 25 square feet or greater on a flat roof surface not near a drain or scupper, then the resident would likely report this deficiency, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>If there is water ponding in an area approximately 25 square feet or greater on a flat roof surface not near a drain or scupper, then it is likely that maintenance staff is not identifying deficiencies or responding to self-generated work orders.</p> <p>If there is water ponding in an area approximately 25 square feet or greater on a flat roof surface not near a drain or scupper, then it may be a sign of roof assembly failure, which has a significant cost to repair.</p> <p>If there is water ponding in an area approximately 25 square feet or greater on a flat roof surface not near a drain or scupper, then it may increase the weight on the roof assembly and indicate a level of structural failure.</p>

### **Deficiency 4 – Roof Assembly: Outside**

<b>Deficiency</b>	Substrate is exposed.
<b>Deficiency Criteria</b>	Any amount of substrate is exposed.

<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the substrate is exposed, and it leads to water infiltration, then the resident may be exposed to mold.</p> <p>If the substrate is exposed, and there is a structural defect, then the resident could be injured as the result of collapse.</p> <p>If the substrate is exposed, then it is likely that maintenance staff is not identifying deficiencies or responding to self-generated work orders.</p> <p>If the substrate is exposed, then it is likely that preventative maintenance activities are not being addressed.</p> <p>If the substrate is exposed, the repair will likely be significant enough to incur capital costs.</p> <p>If the substrate is exposed, then the probability of water infiltration increases, which may compromise structural integrity.</p>

#### Deficiency 5 – Roof Assembly: Outside

<b>Deficiency</b>	Roof assembly has a hole.
<b>Deficiency Criteria</b>	<p>Unintentional hole of any size is found.</p> <p>OR</p> <p>Intentional hole of any size is found and is not covered by a vent or screen.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	If the roof assembly has a hole, then water from the exterior environment may leak into the interior and increase moisture levels, which provides an environment favorable for mold growth and may trigger respiratory issues.

If the roof assembly has a hole, and there is a structural defect, then the resident may be injured.

Property management would be expected to ensure that staff members understand how to identify if the roof assembly has a hole. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect because it may result in potential health and safety hazards.

A roof assembly should be checked during periodic property inspections, and according to industry best practices, should be included in a preventative maintenance plan. If the roof assembly has a hole, this may indicate that preventative maintenance activities are not being addressed.

#### **Deficiency 6 – Roof Assembly: Outside**

<b>Deficiency</b>	Roof assembly is damaged.
<b>Deficiency Criteria</b>	Roof assembly is damaged (i.e., visibly defective; impacts functionality),
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the roof assembly is damaged, then the resident could be injured by falling debris.</p> <p>Property management would be expected to ensure that staff members understand how to identify if the roof assembly is damaged. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p> <p>A roof assembly should be checked during periodic property inspections, and according to industry best practices, should be included in a preventative maintenance plan. If the roof assembly is damaged, this may indicate that preventative maintenance activities are not being addressed.</p>

**TABLE 48—SHARP EDGES STANDARD**

#### **Definition and Location**

<b>Definition</b>	Physical hazards within the built environment (i.e., human-made structures, features, and facilities) that can lacerate or puncture skin.
<b>Location</b>	Unit: Throughout the Unit.  Inside: Normal paths of travel throughout the built environment (e.g., hallways, shared living spaces, shared facilities).  Outside: Normal paths of travel throughout the built environment (e.g., sidewalks, walkways, playgrounds, courtyards).

#### **Deficiency 1 – Sharp Edges: Unit**

<b>Deficiency</b>	A sharp edge that can result in a cut or puncture hazard is present.
<b>Deficiency Criteria</b>	A sharp edge that can result in a cut or puncture hazard that is likely to require emergency care (e.g., stitches) is present within the built environment (i.e., human-made structures, features, and facilities).
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a sharp edge that can result in a cut or puncture hazard that is likely to require emergency care is present within the unit, then there may be an increased safety risk to the resident, which may result in injury (e.g., laceration, puncture).</p> <p>A resident is likely to notice if a sharp edge that can result in a cut or puncture hazard that is likely to require emergency care is present within the unit and to recognize it is important enough to report it to property management because it may present safety hazards. Property management should be expected to prioritize a work order to remedy this deficiency because it may result safety hazards.</p>

#### **Deficiency 1 – Sharp Edges: Inside**

<b>Deficiency</b>	A sharp edge that can result in a cut or puncture hazard is present.
<b>Deficiency Criteria</b>	A sharp edge that can result in a cut or puncture hazard that is likely to require emergency care (e.g., stitches) is present within the built environment (i.e., human-made structures, features, and facilities).
<b>Health and Safety Determination</b>	Severe

<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a sharp edge that can result in a cut or puncture hazard that is likely to require emergency care is present within the Inside area, then there may be an increased safety risk to the resident, which may result in injury (e.g., laceration, puncture).</p> <p>Property management would be expected to ensure that staff members understand how to identify the presence of a sharp edge that can result in a cut or puncture hazard that is likely to require emergency care within the Inside area. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p>
<b>Deficiency 1 – Sharp Edges: Outside</b>	
<b>Deficiency</b>	A sharp edge that can result in a cut or puncture hazard is present.
<b>Deficiency Criteria</b>	A sharp edge that can result in a cut or puncture hazard that is likely to require emergency care (e.g., stitches) is present on or adjacent to the built environment (i.e., human-made structures, features, and facilities).
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a sharp edge that can result in a cut or puncture hazard that is likely to require emergency care is present in the Outside area, then there may be an increased safety risk to the resident, which may result in injury (e.g., laceration, puncture).</p> <p>Property management would be expected to ensure that staff members understand how to identify the presence of a sharp edge that can result in a cut or puncture hazard that is likely to require emergency care in the Outside area. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p>

**TABLE 49—SIDEWALK, WALKWAY, AND RAMP STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A pathway for pedestrian travel.
<b>Location</b>	Outside: Ingress or egress locations to buildings, pools, parking lots, or any area that is considered a normal course of travel for pedestrians.
<b>Deficiency 1 – Sidewalk, Walkway, and Ramp: Outside</b>	
<b>Deficiency</b>	Sidewalk, walkway, or ramp is blocked or impassable.
<b>Deficiency Criteria</b>	Sidewalk, walkway, or ramp is blocked or impassable.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a sidewalk, walkway, or ramp is blocked or impassable, then the resident's egress may be impeded.</p> <p>If a sidewalk, walkway, or ramp is blocked or impassable, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>If a sidewalk, walkway, or ramp is blocked or impassable, then this should be identified through daily maintenance activities and its presence may indicate that self-generated work orders are not being addressed.</p>
<b>Deficiency 2 – Sidewalk, Walkway, and Ramp: Outside</b>	
<b>Deficiency</b>	Sidewalk, walkway, or ramp is not functionally adequate.
<b>Deficiency Criteria</b>	Sidewalk, walkway, or ramp is not functionally adequate (i.e., does not provide a defined and safe path of exterior travel for pedestrians).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If a sidewalk, walkway, or ramp is not functionally adequate, then there may be an increased fall risk to the resident.</p> <p>If a sidewalk, walkway, or ramp is not functionally adequate, then the resident may be unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a sidewalk, walkway, or ramp is not functionally adequate. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may lead to safety hazards and usability barriers.</p>
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**TABLE 50—SINK STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A basin with hardware designed to dispense and hold clean water (hot and cold) and discharge wastewater.
<b>Location</b>	<p>Unit: Kitchen, bathroom, laundry area, and other interior space.</p> <p>Inside: Kitchen, bathroom, laundry area, and other interior space.</p>
<b>Deficiency 1 – Sink: Unit</b>	
<b>Deficiency</b>	Sink or sink component is damaged or missing and the sink is not functionally adequate.
<b>Deficiency Criteria</b>	Sink or sink component is damaged (i.e., visibly defective; impacts functionality) or missing (i.e., evidence of prior installation, but now not present or is incomplete) and the sink is not functionally adequate.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a sink or sink component is damaged or missing and the sink is not functionally adequate, then the resident may not be able to properly dispose of wastewater.</p> <p>If a sink or sink component is damaged or missing and the sink is not functionally adequate, then the resident may not be able to use a fixture that is expected to be provided and maintained as part of their rent.</p>

A resident is likely to notice if a sink or sink component is damaged or missing and the sink is not functionally adequate, and to recognize it is important enough to report it to property management because it may present health hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this defect because it may result in sanitary hazards.

#### Deficiency 1 – Sink: Inside

<b>Deficiency</b>	Sink or sink component is damaged or missing and the sink is not functionally adequate.
<b>Deficiency Criteria</b>	Sink or sink component is damaged (i.e., visibly defective; impacts functionality) or missing (i.e., evidence of prior installation, but now not present or is incomplete) and the sink is not functionally adequate.
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	<p>If a sink or sink component is damaged or missing and the sink is not functionally adequate, then the resident may not be able to use a fixture that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff understand how to identify if a sink or sink component is damaged or missing and the sink is not functionally adequate. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in sanitary hazards.</p>

#### Deficiency 2 – Sink: Unit

<b>Deficiency</b>	Water is directed outside of the basin.
<b>Deficiency Criteria</b>	Water is directed outside of the basin.
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass

<b>Rationale</b>	<p>If water is directed outside of the basin, then the resident may be unable to use a fixture that is expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice if water is directed outside of the basin and to recognize it is important enough to report it to property management because it may present usability barriers. Property management should be expected to prioritize a work order to remedy this defect because it may result in usability barriers.</p>
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#### Deficiency 2 – Sink: Inside

<b>Deficiency</b>	Water is directed outside of the basin.
<b>Deficiency Criteria</b>	Water is directed outside of the basin.
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	<p>If water is directed outside of the basin, then the resident may be unable to use a fixture that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff understand how to identify if water is directed outside of the basin. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in usability barriers.</p>

#### Deficiency 3 – Sink: Unit

<b>Deficiency</b>	Sink is not draining.
<b>Deficiency Criteria</b>	Water is not draining from the basin of the sink.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If water is not draining from the basin of the sink, then the resident may not be able to dispose of waste.</p> <p>If water is not draining from the basin of the sink, then the resident may be unable to use a fixture that is expected to be provided and maintained as part of their rent.</p> <p>If water is not draining from the basin of the sink, then the resident will likely report the deficiency, and the presence of this deficiency may indicate complaint-based work orders are not being addressed.</p>
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### Deficiency 3 – Sink: Inside

<b>Deficiency</b>	Sink is not draining.
<b>Deficiency Criteria</b>	Water is not draining from the basin of the sink.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If water is not draining from the basin of the sink, then the resident may not be able to dispose of waste.</p> <p>If water is not draining from the basin of the sink, then the resident may be unable to use a fixture that is expected to be provided and maintained as part of their rent.</p> <p>If water is not draining from the basin of the sink, then this will likely be observed during routine maintenance activities, and the presence of this deficiency may indicate self-generated work orders are not being addressed.</p>

### Deficiency 4 – Sink: Unit

<b>Deficiency</b>	Sink is improperly installed, pulling away from the wall, leaning, or there are gaps between the sink and wall.
<b>Deficiency Criteria</b>	Sink is improperly installed, pulling away from the wall, leaning, or there are gaps between the sink and wall.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days

<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the sink is improperly installed, pulling away from the wall, leaning, or there are gaps between the sink and wall, then the resident may be injured if the sink were to fall.</p> <p>If the sink is improperly installed, pulling away from the wall, leaning, or there are gaps between the sink and wall, then the resident will likely report this deficiency, and the presence of this deficiency may indicate complaint-based work orders are not being addressed.</p> <p>If the sink is improperly installed, pulling away from the wall, leaning, or there are gaps between the sink and wall, then this should be observed during daily maintenance activities, and the presence of this deficiency may indicate self-generated work orders are not being addressed.</p>
<b>Deficiency 4 – Sink: Inside</b>	
<b>Deficiency</b>	Sink is improperly installed, pulling away from wall, leaning, or there are gaps between the sink and wall.
<b>Deficiency Criteria</b>	Sink is improperly installed, pulling away from the wall, leaning, or there are gaps between the sink and wall.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the sink is improperly installed, pulling away from the wall, leaning, or there are gaps between the sink and wall, then the resident may be injured if the sink were to fall.</p> <p>If the sink is improperly installed, pulling away from the wall, leaning, or there are gaps between the sink and wall, then the resident will likely report this deficiency, and the presence of this deficiency may indicate complaint-based work orders are not being addressed.</p> <p>If the sink is improperly installed, pulling away from the wall, leaning, or there are gaps between the sink and wall, then this should be observed during daily maintenance activities, and the presence of this deficiency may indicate self-generated work orders are not being addressed.</p>

**Deficiency 5 – Sink: Unit**

<b>Deficiency</b>	Sink component is damaged or missing and the sink is functionally adequate.
<b>Deficiency Criteria</b>	Sink component is damaged (i.e., visibly defective; impacts functionality) or missing (i.e., evidence of prior installation, but now not present or is incomplete) and the sink is functionally adequate.
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	<p>If a sink component is damaged or missing and the sink is functionally adequate, then the resident may not be able to fully use a fixture that is expected to be provided and maintained as part of their rent.</p> <p>If a sink component is damaged or missing and the sink is functionally adequate, then the resident will likely report this deficiency, and the presence of this defect may indicate complaint-based work orders are not being addressed.</p>

**Deficiency 5 – Sink: Inside**

<b>Deficiency</b>	Sink component is damaged or missing and the sink is functionally adequate.
<b>Deficiency Criteria</b>	Sink component is damaged (i.e., visibly defective; impacts functionality) or missing (i.e., evidence of prior installation, but now not present or is incomplete) and the sink is functionally adequate.
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	If a sink component is damaged or missing and the sink is functionally adequate, then the resident may not be able to fully use a fixture that is expected to be provided and maintained as part of their rent.

Property management would be expected to ensure that staff understand how to identify if a sink component is damaged or missing and the sink is functionally adequate. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in usability barriers.

Deficiency 6 – Sink: Unit	Affirmative Habitability Requirement: Yes
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<b>Deficiency</b>	Cannot activate or deactivate hot and cold water.
<b>Deficiency Criteria</b>	Control knobs do not activate or deactivate hot and cold water.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the control knobs do not activate or deactivate hot and cold water, then the resident may not be able to maintain hygiene.</p> <p>If the control knobs do not activate or deactivate hot and cold water, then the resident may be unable to use a fixture that is expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice if the control knobs do not activate or deactivate hot and cold water and to recognize it is important enough to report it to property management because it may present sanitary hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this defect because it may result in sanitary hazards.</p>

Deficiency 6 – Sink: Inside
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<b>Deficiency</b>	Cannot activate or deactivate hot and cold water.
<b>Deficiency Criteria</b>	Control knobs do not activate or deactivate hot and cold water.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If the control knobs do not activate or deactivate hot and cold water, then the resident may not be able to maintain hygiene.</p> <p>If the control knobs do not activate or deactivate hot and cold water, then the resident may be unable to use a fixture that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff understand how to identify if the control knobs do not activate or deactivate hot and cold water. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in sanitary hazards.</p>
<b>Deficiency 7 – Sink: Unit</b>	
	<b>Affirmative Habitability Requirement: Yes</b>
<b>Deficiency</b>	Sink is missing or not installed within the primary kitchen.
<b>Deficiency Criteria</b>	Sink is missing (i.e., evidence of prior installation, but now not present or is incomplete) or not installed (i.e., never installed, but should have been) in the primary kitchen
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a sink is missing or not installed within the primary kitchen, then the resident may not be able to properly dispose of wastewater.</p> <p>If a sink is missing or not installed within the primary kitchen, then the resident may not be able to use a fixture that is expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice if a sink is missing or not installed within the primary kitchen and to recognize it is important enough to report it to property management because it may present health hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this defect because it may result in sanitary hazards.</p>

**TABLE 51—SITE DRAINAGE STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	An exterior system that directs the flow of surface water.

<b>Location</b>	Outside: Throughout the entire Outside area, especially adjacent to the built environment.
<b>Deficiency 1 – Site Drainage: Outside</b>	
<b>Deficiency</b>	Water runoff is unable to flow through the site drainage system.
<b>Deficiency Criteria</b>	<p>Standing water is present above the outflow pipe entrance.</p> <p>OR</p> <p>Drainage is blocked such that the inspector believes water is unable to drain in the event of precipitation.</p>
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	<p>If standing water is present above the outflow pipe entrance or drainage is blocked, then it would likely be noticeable during a precipitation event and this should trigger a self-generated work order that would be prioritized and addressed.</p> <p>By design, site drainage systems require periodic monitoring for accumulation of debris, and according to industry best practices, to prevent water damage, should be included in a preventative maintenance plan. The presence of this deficiency may indicate preventative maintenance activities could be improved.</p>
<b>Deficiency 2 – Site Drainage: Outside</b>	
<b>Deficiency</b>	Erosion is present.
<b>Deficiency Criteria</b>	<p>Erosion is present and the footer is exposed.</p> <p>OR</p> <p>Erosion is more than 2 feet away from the built environment and its depth is equal to or greater than its measured distance from the built environment, and the inspector believes it may undermine the supporting soil.</p>
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days

<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	According to industry best practices, maintaining the site to prevent erosion of soil should be included in a preventative maintenance plan as it is likely to occur over time, and the presence of this deficiency may indicate preventative maintenance activities could be improved.
<b>Deficiency 3 – Site Drainage: Outside</b>	
<b>Deficiency</b>	Grate is not secure or does not cover the site drainage system’s collection point.
<b>Deficiency Criteria</b>	Grate is not secure or does not cover the site drainage system’s collection point.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the grate is not secure or does not cover the drainage system’s collection point, then it may result in an opening that increases the resident’s risk of injury.</p> <p>The site drainage system should be checked during routine site walkthroughs and if the grate is not secure or does not cover the drainage system’s collection point, then it would likely be observed and should trigger a self-generated work order that would be prioritized and addressed.</p> <p>By design, site drainage systems require periodic monitoring, including inspecting for safety hazards, and according to industry best practices, should be included in a preventative maintenance plan. The presence of this deficiency may indicate preventative maintenance activities could be improved.</p>

**TABLE 52—SMOKE ALARM STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A self-contained device that detects the presence of smoke, typically as an indicator of fire, and provides a visual or audio signal as an alert.

<b>Location</b>	Unit: Bedrooms, hallways, kitchens, stairwells.  Inside: Hallways, kitchens, stairwells, common areas.
<b>Deficiency 1 – Smoke Alarm: Unit</b>	
<b>Deficiency</b>	Smoke alarm is not installed where required.
<b>Deficiency Criteria</b>	Smoke alarm is not installed inside each bedroom.  AND  Smoke alarm is not installed outside the bedroom(s).  AND  Smoke alarm is not installed on each level.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a smoke alarm is not installed inside each bedroom, outside the bedroom(s), and on each level, and there is a fire, then there may be an increased safety risk to the resident due to fire-related hazards, such as smoke inhalation and burns, which may result in injury or death.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a smoke alarm is not installed inside each bedroom, outside the bedroom(s), and on each level. Management practices would be expected to assure prompt creation and prioritization of a work order to replace or install a smoke alarm, because it may result in safety hazards.</p>
<b>Deficiency 1 – Smoke Alarm: Inside</b>	
<b>Deficiency</b>	Smoke alarm is not installed where required.
<b>Deficiency Criteria</b>	Smoke alarm is not installed inside each classroom.  AND  Smoke alarm is not installed outside the classroom(s).  AND  Smoke alarm is not installed on each level.

<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a smoke alarm is not installed inside each classroom, outside the classroom(s), and on each level, and there is a fire, then there may be an increased safety risk to the resident due to fire-related hazards, such as smoke inhalation and burns, which may result in injury or death.</p> <p>Property management would be expected to ensure that staff members understand how to identify a smoke alarm that is not installed inside each classroom, outside the classroom(s), and on each level. Management practices would be expected to assure prompt creation and prioritization of a work order to replace or install a smoke alarm because it may result in safety hazards.</p>

#### Deficiency 2 – Smoke Alarm: Unit

<b>Deficiency</b>	Smoke alarm is obstructed.
<b>Deficiency Criteria</b>	Smoke alarm is obstructed.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a smoke alarm is obstructed, and there is a fire, then there may be an increased safety risk to the resident due to fire-related hazards, such as smoke inhalation and burns, which may result in injury or death.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a smoke alarm is obstructed. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p>

#### Deficiency 2 – Smoke Alarm: Inside

<b>Deficiency</b>	Smoke alarm is obstructed.
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<b>Deficiency Criteria</b>	Smoke alarm is obstructed.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a smoke alarm is obstructed, and there is a fire, then there may be an increased safety risk to the resident due to fire-related hazards, such as smoke inhalation and burns, which may result in injury or death.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a smoke alarm is obstructed. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p>

#### **Deficiency 3 – Smoke Alarm: Unit**

<b>Deficiency</b>	Smoke alarm does not produce an audio or visual alarm when tested.
<b>Deficiency Criteria</b>	Smoke alarm does not produce an audio or visual alarm when tested.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a smoke alarm does not produce an audio or visual alarm when tested, then the resident may not receive warning of fire, resulting in an increased safety risk to the resident due to fire-related hazards, such as smoke inhalation and burns, which may result in injury or death.</p> <p>Property management would be expected to ensure that staff members understand how to identify a smoke alarm that does not produce an audio or visual alarm when tested. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p>

#### **Deficiency 3 – Smoke Alarm: Inside**

<b>Deficiency</b>	Smoke alarm does not produce an audio or visual alarm when tested.
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<b>Deficiency Criteria</b>	Smoke alarm does not produce an audio or visual alarm when tested.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a smoke alarm does not produce an audio or visual alarm when tested, then the resident may not receive warning of fire, resulting in an increased safety risk to the resident due to fire-related hazards, such as smoke inhalation and burns, which may result in injury or death.</p> <p>Property management would be expected to ensure that staff members understand how to identify a smoke alarm that does not produce an audio or visual alarm when tested. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p>

**TABLE 53—SPRINKLER ASSEMBLY STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	Part of the fire protection (sprinkler) system that discharges water when activated once reaching a certain (predetermined) temperature.
<b>Location</b>	<p>Unit: Bedrooms, living rooms, dining rooms, closets, kitchens, hallways, stairwells.</p> <p>Inside: Living rooms, dining rooms, closets, kitchens, hallways, stairwells, common areas.</p> <p>Outside: Covered decks, patios.</p>
<b>Deficiency 1 – Sprinkler Assembly: Unit</b>	
<b>Deficiency</b>	Sprinkler head assembly is encased or obstructed by an item or object that is within 18 inches of the sprinkler head.
<b>Deficiency Criteria</b>	Sprinkler head assembly is encased or obstructed by an item or object that is within 18 inches of the sprinkler head.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours

<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a sprinkler head assembly is encased or obstructed by an item or object that is within 18 inches of the sprinkler head, then the coverage area of the sprinkler may be limited. If there is a fire, then the sprinkler head assembly may be unable to limit the fire spread and the resident may be at an increased risk of injury or death.</p> <p>Property management would be expected to ensure that staff understand how to identify a sprinkler head assembly that is encased or obstructed by an item or object that is within 18 inches of the sprinkler head.</p> <p>Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety hazards.</p>

#### **Deficiency 1 – Sprinkler Assembly: Inside**

<b>Deficiency</b>	Sprinkler head assembly is encased or obstructed by an item or object that is within 18 inches of the sprinkler head.
<b>Deficiency Criteria</b>	Sprinkler head assembly is encased or obstructed by an item or object that is within 18 inches of the sprinkler head.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a sprinkler head assembly is encased or obstructed by an item or object that is within 18 inches of the sprinkler head, then the coverage area of the sprinkler may be limited. If there is a fire, then the sprinkler head assembly may be unable to limit the fire spread and the resident may be at an increased risk of injury or death.</p> <p>Property management would be expected to ensure that staff understand how to identify a sprinkler head assembly that is encased or obstructed by an item or object that is within 18 inches of the sprinkler head.</p> <p>Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety hazards.</p>

#### **Deficiency 1 – Sprinkler Assembly: Outside**

<b>Deficiency</b>	Sprinkler head assembly is encased or obstructed by an item or object that is within 18 inches of the sprinkler head.
<b>Deficiency Criteria</b>	Sprinkler head assembly is encased or obstructed by an item or object that is within 18 inches of the sprinkler head.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a sprinkler head assembly is encased or obstructed by an item or object that is within 18 inches of the sprinkler head, then the coverage area of the sprinkler may be limited. If there is a fire, then the sprinkler head assembly may be unable to limit the fire spread and the resident may be at an increased risk of injury or death.</p> <p>Property management would be expected to ensure that staff understand how to identify a sprinkler head assembly that is encased or obstructed by an item or object that is within 18 inches of the sprinkler head.</p> <p>Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety hazards.</p>

#### **Deficiency 2 – Sprinkler Assembly: Unit**

<b>Deficiency</b>	Sprinkler assembly component is damaged, inoperable, or missing and it is detrimental to performance.
<b>Deficiency Criteria</b>	Sprinkler assembly component is damaged (i.e., visibly defective; impacts functionality), inoperable (i.e., overall system or component thereof not meeting function or purpose; with or without visible damage), or missing (i.e., evidence of prior installation, but now not present or is incomplete) and it is detrimental to performance.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If a sprinkler assembly component is damaged, inoperable, or missing and it is detrimental to performance, and there is a fire, then the resident may be at an increased risk of injury or death.</p> <p>Property management would be expected to ensure that staff understand how to identify a sprinkler assembly component that is damaged, inoperable, or missing and it is detrimental to performance. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety hazards.</p>
<b>Deficiency 2 – Sprinkler Assembly: Inside</b>	
<b>Deficiency</b>	Sprinkler assembly component is damaged, inoperable, or missing and it is detrimental to performance.
<b>Deficiency Criteria</b>	Sprinkler assembly component is damaged (i.e., visibly defective; impacts functionality), inoperable (i.e., overall system or component thereof not meeting function or purpose; with or without visible damage), or missing (i.e., evidence of prior installation, but now not present or is incomplete) and it is detrimental to performance.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a sprinkler assembly component is damaged, inoperable, or missing and it is detrimental to performance, and there is a fire, then the resident may be at an increased risk of injury or death.</p> <p>Property management would be expected to ensure that staff understand how to identify a sprinkler assembly component that is damaged, inoperable, or missing and it is detrimental to performance. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety hazards.</p>
<b>Deficiency 2 – Sprinkler Assembly: Outside</b>	
<b>Deficiency</b>	Sprinkler assembly component is damaged, inoperable, or missing and it is detrimental to performance.
<b>Deficiency Criteria</b>	Sprinkler assembly component is damaged (i.e., visibly defective; impacts functionality), inoperable (i.e., overall system or component thereof not meeting function or purpose; with or without visible damage), or missing

	(i.e., evidence of prior installation, but now not present or is incomplete) and it is detrimental to performance.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a sprinkler assembly component is damaged, inoperable, or missing and it is detrimental to performance, and there is a fire, then the resident may be at an increased risk of injury or death.</p> <p>Property management would be expected to ensure that staff understand how to identify a sprinkler assembly component that is damaged, inoperable, or missing and it is detrimental to performance. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety hazards.</p>

#### **Deficiency 3 – Sprinkler Assembly: Unit**

<b>Deficiency</b>	Sprinkler assembly has evidence of corrosion.
<b>Deficiency Criteria</b>	Sprinkler assembly has evidence of corrosion.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the sprinkler assembly has evidence of corrosion, and there is a fire, then the resident may be at an increased risk of injury or death.</p> <p>Property management would be expected to ensure that staff understand how to identify if a sprinkler assembly has evidence of corrosion. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety hazards.</p>

#### **Deficiency 3 – Sprinkler Assembly: Inside**

<b>Deficiency</b>	Sprinkler assembly has evidence of corrosion.
<b>Deficiency Criteria</b>	Sprinkler assembly has evidence of corrosion.

<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the sprinkler assembly has evidence of corrosion, and there is a fire, then the resident may be at an increased risk of injury or death.</p> <p>Property management would be expected to ensure that staff understand how to identify if a sprinkler assembly has evidence of corrosion. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety hazards.</p>

#### **Deficiency 3 – Sprinkler Assembly: Outside**

<b>Deficiency</b>	Sprinkler assembly has evidence of corrosion.
<b>Deficiency Criteria</b>	Sprinkler assembly has evidence of corrosion.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the sprinkler assembly has evidence of corrosion, and there is a fire, then the resident may be at an increased risk of injury or death.</p> <p>Property management would be expected to ensure that staff understand how to identify if a sprinkler assembly has evidence of corrosion. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety hazards.</p>

#### **Deficiency 4 – Sprinkler Assembly: Unit**

<b>Deficiency</b>	Sprinkler assembly has evidence of foreign material that is detrimental to performance.
<b>Deficiency Criteria</b>	<p>Foreign material covers 75% or more of the sprinkler assembly.</p> <p>OR</p> <p>Foreign material covers 75% or more of the glass bulb.</p>

<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the sprinkler assembly has evidence of foreign material that is detrimental to performance, and there is a fire, then the resident may be at an increased risk of injury or death.</p> <p>Property management would be expected to ensure that staff understand how to identify if a sprinkler assembly has evidence of foreign material that is detrimental to performance. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety hazards.</p>

#### **Deficiency 4 – Sprinkler Assembly: Inside**

<b>Deficiency</b>	Sprinkler assembly has evidence of foreign material that is detrimental to performance.
<b>Deficiency Criteria</b>	<p>Foreign material covers 75% or more of the sprinkler assembly.</p> <p>OR</p> <p>Foreign material covers 75% or more of the glass bulb.</p>
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the sprinkler assembly has evidence of foreign material that is detrimental to performance, and there is a fire, then the resident may be at an increased risk of injury or death.</p> <p>Property management would be expected to ensure that staff understand how to identify if a sprinkler assembly has evidence of foreign material that is detrimental to performance. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety hazards.</p>

#### **Deficiency 4 – Sprinkler Assembly: Outside**

<b>Deficiency</b>	Sprinkler assembly has evidence of foreign material that is detrimental to performance.
<b>Deficiency Criteria</b>	Foreign material covers 75% or more of the sprinkler assembly.  OR  Foreign material covers 75% or more of the glass bulb.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the sprinkler assembly has evidence of foreign material that is detrimental to performance, and there is a fire, then the resident may be at an increased risk of injury or death.</p> <p>Property management would be expected to ensure that staff understand how to identify if a sprinkler assembly has evidence of foreign material that is detrimental to performance. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety hazards.</p>

**TABLE 54—STEPS AND STAIRS STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A single step, series of steps, or flights of steps that connect two levels.
<b>Location</b>	Unit: Hallway, stairwell.  Inside: Hallway, stairwell.  Outside: Along elevated walking paths.
<b>Deficiency 1 – Steps and Stairs: Unit</b>	
<b>Deficiency</b>	Tread is missing or damaged.
<b>Deficiency Criteria</b>	Tread on a set of stairs is missing (i.e., evidence of prior installation, but now not present or is incomplete).  OR  Tread on a set of stairs is loose or unlevel.

	OR
	A portion of the tread nosing that is greater than 1 inch in depth or 4 inches wide is damaged or broken.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a tread is missing or damaged, then there is an increased probability of falls that may lead to injury.</p> <p>If a tread is missing or damaged, and there is an emergency, then the resident's ability to egress or ingress may be impeded.</p> <p>If a tread is missing or damaged, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>If a tread is missing or damaged, then it should be identified through regular maintenance activities and the presence of this deficiency may indicate that self-generated work orders are not being addressed.</p>

#### Deficiency 1 – Steps and Stairs: Inside

<b>Deficiency</b>	Tread is missing or damaged.
<b>Deficiency Criteria</b>	<p>Tread on a set of stairs is missing (i.e., evidence of prior installation, but now not present or is incomplete).</p> <p>OR</p> <p>Tread on a set of stairs is loose or unlevel.</p> <p>OR</p> <p>A portion of the tread nosing that is greater than 1 inch in depth or 4 inches wide is damaged or broken.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days

<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a tread is missing or damaged, then there is an increased probability of falls that may lead to injury.</p> <p>If a tread is missing or damaged, and there is an emergency, then the resident's ability to egress or ingress may be impeded.</p> <p>If a tread is missing or damaged, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>If a tread is missing or damaged, then it should be identified through regular maintenance activities and the presence of this deficiency may indicate that self-generated work orders are not being addressed.</p>
<b>Deficiency 1 – Steps and Stairs: Outside</b>	
<b>Deficiency</b>	Tread is missing or damaged
<b>Deficiency Criteria</b>	<p>Tread on a set of stairs is missing (i.e., evidence of prior installation, but now not present or is incomplete).</p> <p>OR</p> <p>Tread on a set of stairs is loose or unlevel.</p> <p>OR</p> <p>A portion of the tread nosing that is greater than 1 inch in depth or 4 inches wide is damaged or broken.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a tread is missing or damaged, then there is an increased probability of falls that may lead to injury.</p> <p>If a tread is missing or damaged, and there is an emergency, then the resident's ability to egress or ingress may be impeded.</p> <p>If a tread is missing or damaged, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p>

If a tread is missing or damaged, then it should be identified through regular maintenance activities and the presence of this deficiency may indicate that self-generated work orders are not being addressed.

#### **Deficiency 2 – Steps and Stairs: Unit**

<b>Deficiency</b>	Stringer is damaged.
<b>Deficiency Criteria</b>	Stringer is damaged (i.e., visibly defective; impacts functionality).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a stringer is damaged, then there is an increased probability of falls that may lead to injury.</p> <p>If a stringer is damaged, and there is an emergency, then the resident's ability to egress or ingress may be impeded.</p> <p>If a stringer is damaged, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>If a stringer is damaged, then it should be identified through regular maintenance activities and the presence of this deficiency may indicate that self-generated work orders are not being addressed.</p>

#### **Deficiency 2 – Steps and Stairs: Inside**

<b>Deficiency</b>	Stringer is damaged.
<b>Deficiency Criteria</b>	Stringer is damaged (i.e., visibly defective; impacts functionality).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	If a stringer is damaged, then there is an increased probability of falls that may lead to injury.

If a stringer is damaged, and there is an emergency, then the resident's ability to egress or ingress may be impeded.

If a stringer is damaged, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.

If a stringer is damaged, then it should be identified through regular maintenance activities and the presence of this deficiency may indicate that self-generated work orders are not being addressed.

#### **Deficiency 2 – Steps and Stairs: Outside**

<b>Deficiency</b>	Stringer is damaged.
<b>Deficiency Criteria</b>	Stringer is damaged (i.e., visibly defective; impacts functionality).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a stringer is damaged, then there is an increased probability of falls that may lead to injury.</p> <p>If a stringer is damaged, and there is an emergency, then the resident's ability to egress or ingress may be impeded.</p> <p>If a stringer is damaged, then the resident will likely report this, and the presence of this deficiency may indicate that complaint-based work orders are not being addressed.</p> <p>If a stringer is damaged, then it should be identified through regular maintenance activities and the presence of this deficiency may indicate that self-generated work orders are not being addressed.</p>

#### **Deficiency 3 – Steps and Stairs: Outside**

<b>Deficiency</b>	Step or stair is not functionally adequate.
<b>Deficiency Criteria</b>	Step or stair is not functionally adequate (i.e., may not allow for personal traffic from one level to the next).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days

<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If stairs are not functionally adequate, then there may be an increased fall risk to the resident.</p> <p>If stairs are not functionally adequate, then the resident may be unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify if stairs are not functionally adequate.</p> <p>Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may lead to safety hazards and usability barriers.</p>

**TABLE 55—STRUCTURAL SYSTEM STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	Load-bearing system within the built environment (i.e., structures, features, and facilities).
<b>Location</b>	<p>Unit: All accessible areas within the dwelling and those areas to which the resident has sole access (e.g., dwelling balconies, decks, patios, basements).</p> <p>Inside: All accessible areas within the interior common spaces.</p> <p>Outside: All accessible areas throughout the exterior built environment (e.g., rooftop decks, patios, playgrounds).</p>
<b>Deficiency 1 – Structural System: Unit</b>	
<b>Deficiency</b>	Structural system exhibits signs of serious failure.
<b>Deficiency Criteria</b>	Structural system exhibits signs of serious failure and may threaten the resident's safety.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If the structural system exhibits signs of serious failure, there may be an increased safety risk to the resident due to structural instability or collapse, which may result in injury or death.</p> <p>A resident is likely to notice if a structural system exhibits signs of serious failure within the unit and to recognize it is important enough to report it to property management because it may present safety hazards. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards.</p> <p>If the structural system exhibits signs of serious failure, then it will likely require a capital expenditure to repair.</p> <p>If the structural system exhibits signs of serious failure, then a structural failure of the building or load-bearing component may occur.</p> <p>If the structural system exhibits signs of serious failure, and it is visible to visitors or the public, then it may convey a lack of adequate property management and impact the property's market appeal.</p>
<b>Deficiency 1 – Structural System: Inside</b>	
<b>Deficiency</b>	Structural system exhibits signs of serious failure.
<b>Deficiency Criteria</b>	Structural system exhibits signs of serious failure and may threaten the resident's safety.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the structural system exhibits signs of serious failure, there may be an increased safety risk to the resident due to structural instability or collapse, which may result in injury or death.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a structural system exhibits signs of serious failure. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p> <p>If the structural system exhibits signs of serious failure, then it will likely require a capital expenditure to repair.</p>

If the structural system exhibits signs of serious failure, then a structural failure of the building or load-bearing component may occur.

If the structural system exhibits signs of serious failure, and it is visible to visitors or the public, then it may convey a lack of adequate property management and impact the property's market appeal.

#### **Deficiency 1 – Structural System: Outside**

<b>Deficiency</b>	Structural system exhibits signs of serious failure.
<b>Deficiency Criteria</b>	Structural system exhibits signs of serious failure and may threaten the resident's safety.
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the structural system exhibits signs of serious failure, there may be an increased safety risk to the resident due to structural instability or collapse, which may result in injury or death.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a structural system exhibits signs of serious failure. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p> <p>If the structural system exhibits signs of serious failure, then it will likely require a capital expenditure to repair.</p> <p>If the structural system exhibits signs of serious failure, then a structural failure of the building or load-bearing component may occur.</p> <p>If the structural system exhibits signs of serious failure, and it is visible to visitors or the public, then it may convey a lack of adequate property management and impact the property's market appeal.</p>

**TABLE 56—TOILET STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A plumbing fixture used to receive human waste and to discharge it through a waste pipe, using water as a conveying method.

<b>Location</b>	Unit: Bathroom.  Inside: Bathroom.
<b>Deficiency 1 – Toilet: Unit</b>	
<b>Deficiency</b>	Only 1 toilet was installed, and it is missing.
<b>Deficiency Criteria</b>	Only 1 toilet was installed, and it is missing (i.e., evidence of prior installation, but now not present or is incomplete).
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the toilet is missing, then the resident may inadvertently come into contact with sewage, which may result in illness.</p> <p>If the toilet is missing, then the resident's ability to dispose of human waste is limited.</p> <p>If the toilet is missing, then the resident is unable to use a fixture that is expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice if the toilet is missing and to recognize it is important enough to report to property management because it may present health or sanitary hazards. Property management should be expected to prioritize a work order to replace the toilet because it may result in health or sanitary hazards.</p>
<b>Deficiency 1 – Toilet: Inside</b>	
<b>Deficiency</b>	Only 1 toilet was installed, and it is missing.
<b>Deficiency Criteria</b>	Only 1 toilet was installed, and it is missing (i.e., evidence of prior installation, but now not present or is incomplete).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If the toilet is missing, then the resident may inadvertently come into contact with sewage, which may result in illness.</p> <p>If the toilet is missing, then the resident's ability to dispose of human waste is limited.</p> <p>If the toilet is missing, then the resident is unable to use a fixture that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify if the toilet is missing. Management practices would be expected to assure prompt creation and prioritization of a work order to replace the toilet because it may result in safety or sanitary hazards.</p>
<b>Deficiency 2 – Toilet: Unit</b>	
<b>Deficiency</b>	A toilet is missing and at least 1 toilet is installed elsewhere that is operational.
<b>Deficiency Criteria</b>	A toilet is missing (i.e., evidence of prior installation, but now not present or is incomplete) and at least 1 toilet is installed elsewhere within the Unit that is operational.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a toilet is missing, then the resident may inadvertently come into contact with sewage, which may result in illness.</p> <p>If a toilet is missing, then the resident's ability to dispose of human waste is limited.</p> <p>If a toilet is missing, then the resident is unable to use a fixture that is expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice a missing toilet and to recognize it is important enough to report to property management because it may present health or sanitary hazards. Property management should be expected to prioritize a work order for a missing toilet because it may result in health or sanitary hazards.</p>
<b>Deficiency 2 – Toilet: Inside</b>	

<b>Deficiency</b>	A toilet is missing and at least 1 toilet is installed elsewhere that is operational.
<b>Deficiency Criteria</b>	A toilet is missing (i.e., evidence of prior installation, but now not present or is incomplete) and at least 1 toilet is installed elsewhere within the Inside area that is operational.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a toilet is missing, then the resident may inadvertently come into contact with sewage, which may result in illness.</p> <p>If a toilet is missing, then the resident's ability to dispose of human waste is limited.</p> <p>If a toilet is missing, then the resident is unable to use a fixture that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify a missing toilet. Management practices would be expected to assure prompt creation and prioritization of a work order to replace the toilet because it may result in safety or sanitary hazards.</p>
<b>Deficiency 3 – Toilet: Unit</b>	
<b>Deficiency</b>	Only 1 toilet was installed, and it is damaged or inoperable.
<b>Deficiency Criteria</b>	<p>Only 1 toilet was installed, and it is damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>Only 1 toilet was installed, and it is inoperable (i.e., overall system is not meeting function or purpose; with or without visible damage).</p>
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If the toilet is damaged or inoperable, then the resident may be at an increased risk of exposure to pathogens due to a leak or overflow of the toilet, which may result in illness.</p> <p>If the toilet is damaged or inoperable, then the resident's ability to dispose of human waste may be limited.</p> <p>If the toilet is damaged or inoperable, then the resident may be unable to use a fixture that is expected to be provided and maintained as part of their rent.</p> <p>If the toilet is damaged or inoperable, and it is not shutting off and the resident is responsible for water and sewage utilities, there may be an increased expense for both excessive water usage and sewer incurred by the resident.</p> <p>A resident is likely to notice if the toilet is damaged or inoperable and to recognize it is important enough to report to property management because it may present health or sanitary hazards. Property management should be expected to prioritize a work order for the damaged or inoperable toilet because it may result in health or sanitary hazards.</p>
<b>Deficiency 3 – Toilet: Inside</b>	
<b>Deficiency</b>	Only 1 toilet was installed, and it is damaged or inoperable.
<b>Deficiency Criteria</b>	<p>Only 1 toilet was installed, and it is damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>Only 1 toilet was installed, and it is inoperable (i.e., overall system is not meeting function or purpose; with or without visible damage).</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the toilet is damaged or inoperable, then the resident may be at an increased risk of exposure to pathogens due to a leak or overflow of the toilet, which may result in illness.</p> <p>If the toilet is damaged or inoperable, then the resident's ability to dispose of human waste may be limited.</p>

If the toilet is damaged or inoperable, then the resident may be unable to use a fixture that is expected to be provided and maintained as part of their rent.

Property management would be expected to ensure that staff members understand how to identify if the toilet is damaged or inoperable. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy the deficiency because it may result in safety or sanitary hazards.

#### **Deficiency 4 – Toilet: Unit**

<b>Deficiency</b>	A toilet is damaged or inoperable and at least 1 toilet is installed elsewhere that is operational.
<b>Deficiency Criteria</b>	<p>A toilet is damaged (i.e., visibly defective; impacts functionality) and at least 1 toilet is installed elsewhere within the Unit that is operational.</p> <p>OR</p> <p>A toilet is inoperable (i.e., overall system is not meeting function or purpose; with or without visible damage) and at least 1 toilet is installed elsewhere within the Unit that is operational.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a toilet is damaged or inoperable, then the resident may be at an increased risk of exposure to pathogens due to a leak or overflow of the toilet, which may result in illness.</p> <p>If a toilet is damaged or inoperable, then the resident's ability to dispose of human waste may be limited.</p> <p>If a toilet is damaged or inoperable, then the resident may be unable to use a fixture that is expected to be provided and maintained as part of their rent.</p> <p>If a toilet is damaged or inoperable, and it is not shutting off and the resident is responsible for water and sewage utilities, there may be an increased expense for both excessive water usage and sewer incurred by the resident.</p> <p>A resident is likely to notice a damaged or inoperable toilet and to recognize it is important enough to report to property management because it may</p>

present health or sanitary hazards. Property management should be expected to prioritize a work order for a damaged or inoperable toilet because it may result in health or sanitary hazards.

#### **Deficiency 4 – Toilet: Inside**

<b>Deficiency</b>	A toilet is damaged or inoperable and at least 1 toilet is installed elsewhere that is operational.
<b>Deficiency Criteria</b>	<p>A toilet is damaged (i.e., visibly defective; impacts functionality) and at least 1 toilet is installed elsewhere within the Inside area that is operational.</p> <p>OR</p> <p>A toilet is inoperable (i.e., overall system is not meeting function or purpose; with or without visible damage) and at least 1 toilet is installed elsewhere within the Inside area that is operational.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a toilet is damaged or inoperable, then the resident may be at an increased risk of exposure to pathogens due to a leak or overflow of the toilet, which may result in illness.</p> <p>If a toilet is damaged or inoperable, then the resident's ability to dispose of human waste may be limited.</p> <p>If a toilet is damaged or inoperable, then the resident may be unable to use a fixture that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify if a toilet is damaged or inoperable. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy the deficiency because it may result in safety or sanitary hazards.</p>

#### **Deficiency 5 – Toilet: Unit**

<b>Deficiency</b>	Toilet component is damaged, inoperable, or missing such that it may limit the resident's ability to safely discharge human waste.
<b>Deficiency Criteria</b>	Toilet component is damaged (i.e., visibly defective; impacts functionality) such that it may limit the resident's ability to safely discharge human waste.

	<p>OR</p> <p>Toilet component is inoperable (i.e., component is not meeting function or purpose; with or without visible damage) such that it may limit the resident's ability to safely discharge human waste.</p> <p>OR</p> <p>Toilet component is missing (i.e., evidence of prior installation, but now not present or is incomplete) such that it may limit the resident's ability to safely discharge human waste.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a toilet component is damaged, inoperable, or missing such that it may limit the resident's ability to safely discharge human waste, then the resident may be at an increased risk of illness from infectious disease.</p> <p>If a toilet component is damaged, inoperable, or missing such that it may limit the resident's ability to safely discharge human waste, then the resident may not be able to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>If a toilet component is damaged, inoperable, or missing such that it may limit the resident's ability to safely discharge human waste, then the resident is likely to notice this and to recognize it is important enough to report it to property management because it may present sanitary hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in sanitary hazards.</p>
<b>Deficiency 5 – Toilet: Inside</b>	
<b>Deficiency</b>	Toilet component is damaged, inoperable, or missing such that it may limit the resident's ability to safely discharge human waste.
<b>Deficiency Criteria</b>	<p>Toilet component is damaged (i.e., visibly defective; impacts functionality) such that it may limit the resident's ability to safely discharge human waste.</p> <p>OR</p>

	<p>Toilet component is inoperable (i.e., component is not meeting function or purpose; with or without visible damage) such that it may limit the resident's ability to safely discharge human waste.</p> <p>OR</p> <p>Toilet component is missing (i.e., evidence of prior installation, but now not present or is incomplete) such that it may limit the resident's ability to safely discharge human waste.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a toilet component is damaged, inoperable, or missing such that it may limit the resident's ability to safely discharge human waste, then the resident may be at an increased risk of illness from infectious disease.</p> <p>If a toilet component is damaged, inoperable, or missing such that it may limit the resident's ability to safely discharge human waste, then the resident may not be able to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify a toilet component that is damaged, inoperable, or missing such that it may limit the resident's ability to safely discharge human waste. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in sanitary hazards or usability barriers.</p>

#### Deficiency 6 – Toilet: Unit

<b>Deficiency</b>	Toilet is not secured at the base.
<b>Deficiency Criteria</b>	Toilet is not secured at the base.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If a toilet is not secure at the base, then the resident could be exposed to sewer leakage.</p> <p>If a toilet is not secure at the base, then there is a potential for injury to the resident.</p> <p>If a toilet is not secure at the base, then the resident's ability to dispose of human waste may be limited.</p> <p>If a toilet is not secure at the base, then the resident may be unable to use a fixture that is expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice a toilet that is not secure at the base and to recognize it is important enough to report to property management because it may present safety hazards. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards or usability barriers.</p>
<b>Deficiency 6 – Toilet: Inside</b>	
<b>Deficiency</b>	Toilet is not secured at the base.
<b>Deficiency Criteria</b>	Toilet is not secured at the base.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a toilet is not secure at the base, then the resident could be exposed to sewer leakage.</p> <p>If a toilet is not secure at the base, then there is a potential for injury to the resident.</p> <p>If a toilet is not secure at the base, then the resident's ability to dispose of human waste may be limited.</p> <p>If a toilet is not secure at the base, then the resident may be unable to use a fixture that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify a toilet that is not secure at the base. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy the deficiency because it may result in safety hazards or usability barriers.</p>

**Deficiency 7 – Toilet: Unit**

<b>Deficiency</b>	Toilet component is damaged, inoperable, or missing and it does not limit the resident's ability to discharge human waste.
<b>Deficiency Criteria</b>	<p>Toilet component is damaged (i.e., visibly defective; impacts functionality) and it does not limit the resident's ability to safely discharge human waste.</p> <p>OR</p> <p>Toilet component is inoperable (i.e., component is not meeting function or purpose; with or without visible damage) and it does not limit the resident's ability to safely discharge human waste.</p> <p>OR</p> <p>Toilet component is missing (i.e., evidence of prior installation, but now not present or is incomplete) and it does not limit the resident's ability to safely discharge human waste.</p>
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	<p>If the resident's ability to safely discharge human waste is not limited, but a toilet component is damaged, inoperable, or missing, then the resident's ability to fully utilize an aspect of the fixture may be reduced.</p> <p>If the resident's ability to safely discharge human waste is not limited, but a toilet component is damaged, inoperable, or missing, then the resident's ability to fully utilize an aspect of the fixture may be reduced.</p>

**Deficiency 7 – Toilet: Inside**

<b>Deficiency</b>	Toilet component is damaged, inoperable, or missing and it does not limit the resident's ability to discharge human waste.
<b>Deficiency Criteria</b>	<p>Toilet component is damaged (i.e., visibly defective; impacts functionality) and it does not limit the resident's ability to safely discharge human waste.</p> <p>OR</p> <p>Toilet component is inoperable (i.e., component is not meeting function or purpose; with or without visible damage) and it does not limit the resident's ability to safely discharge human waste.</p> <p>OR</p>

	Toilet component is missing (i.e., evidence of prior installation, but now not present or is incomplete) and it does not limit the resident's ability to safely discharge human waste.
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	<p>If the resident's ability to safely discharge human waste is not limited, but a toilet component is damaged, inoperable, or missing, then the resident's ability to fully utilize an aspect of the fixture may be reduced.</p> <p>If the resident's ability to safely discharge human waste is not limited, but a toilet component is damaged, inoperable, or missing, then property management would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in usability barriers.</p>

<b>Deficiency 8 – Toilet: Unit</b>	<b>Affirmative Habitability Requirement: Yes</b>
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<b>Deficiency</b>	Toilet cannot be used in private.
<b>Deficiency Criteria</b>	Toilet cannot be used in private.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	If a toilet cannot be used in private, then the resident's reasonable expectation of privacy within their unit is not being met.

<b>Deficiency 8 – Toilet: Inside</b>
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<b>Deficiency</b>	Toilet cannot be used in private.
<b>Deficiency Criteria</b>	Toilet cannot be used in private.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days

<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	If a toilet cannot be used in private, then the resident's reasonable expectation of privacy is not being met.

**TABLE 57—TRASH CHUTE STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A large tube through which refuse is carried by means of gravity to a large waste receptacle at the bottom end.
<b>Location</b>	Inside: Hallways of high-rises, hallway closets of high-rises, typically located in the same place on every floor.
<b>Deficiency 1 – Trash Chute: Inside</b>	
<b>Deficiency</b>	Chute door does not open or self-close and latch.
<b>Deficiency Criteria</b>	Chute door does not open.  OR  Chute door does not self-close and latch.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the chute door does not self-close and latch, then it may present a fall risk for the resident. Additionally, if there is a fire, then it may provide a route for fire to move between locations through a building.</p> <p>If the chute door does not open or self-close and latch, then the resident's ability to dispose of garbage in a sanitary manner may be impacted.</p> <p>If the chute door does not open or self-close and latch, then the resident may be unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>If the chute door does not open or self-close and latch, then the resident would likely report it because there is a barrier to usability, and the</p>

presence of this deficiency may indicate complaint-based work orders are not being addressed.

If the chute door does not open or self-close and latch, then this should be identified during regular maintenance activities and the presence of this deficiency may indicate self-generated work orders are not being addressed.

<b>Deficiency 2 – Trash Chute: Inside</b>	
<b>Deficiency</b>	Chute is clogged.
<b>Deficiency Criteria</b>	Trash is overflowing or backed up inside the chute.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If trash is overflowing or backed up inside the chute, then there may be an increased risk of infestation, which may expose the resident to potential health risks (e.g., disease).</p> <p>If trash is overflowing or backed up inside the chute, then the resident's ability to dispose of garbage in a sanitary manner may be impacted.</p> <p>If trash is overflowing or backed up inside the chute, then the resident may be unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>If trash is overflowing or backed up inside the chute, then the resident would likely report it because there is a barrier to usability, and the presence of this deficiency may indicate complaint-based work orders are not being addressed.</p> <p>If trash is overflowing or backed up inside the chute, then this should be identified during regular maintenance activities and the presence of this deficiency may indicate self-generated work orders are not being addressed.</p>

**TABLE 58—TRIP HAZARD STANDARD**

<b>Definition and Location</b>
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<b>Definition</b>	Hazard caused by an abrupt change in vertical elevation or horizontal separation on any walking surface.
<b>Location</b>	Unit: Throughout the Unit.  Inside: Throughout the Inside.  Outside: Throughout the Outside.
<b>Deficiency 1 – Trip Hazard: Unit</b>	
<b>Deficiency</b>	Trip hazard on walking surface.
<b>Deficiency Criteria</b>	<p>There is an abrupt change in vertical elevation or horizontal separation on any walking surface along the normal path of travel, consisting of the following criteria:</p> <ul style="list-style-type: none"> <li>- An unintended ¾-inch or greater vertical difference OR</li> <li>- An unintended 2-inch or greater horizontal separation that is perpendicular to the path of travel.</li> </ul>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is a trip hazard on a walking surface, then there may be an increased safety risk to the resident due to falls.</p> <p>A resident is likely to notice if there is a trip hazard on a walking surface and to recognize it is important enough to report it to property management because it may present safety hazards. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards.</p>
<b>Deficiency 1 – Trip Hazard: Inside</b>	
<b>Deficiency</b>	Trip hazard on walking surface.
<b>Deficiency Criteria</b>	<p>There is an abrupt change in vertical elevation or horizontal separation on any walking surface along the normal path of travel, consisting of the following criteria:</p> <ul style="list-style-type: none"> <li>- An unintended ¾-inch or greater vertical difference OR</li> <li>- An unintended 2-inch or greater horizontal separation that is perpendicular to the path of travel.</li> </ul>

<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is a trip hazard on a walking surface, then there may be an increased safety risk to the resident due to falls.</p> <p>Property management would be expected to ensure that staff understand how to identify if there is a trip hazard on a walking surface. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety hazards.</p>
<b>Deficiency 1 – Trip Hazard: Outside</b>	
<b>Deficiency</b>	Trip hazard on walking surface.
<b>Deficiency Criteria</b>	<p>There is an abrupt change in vertical elevation or horizontal separation on any walking surface along the normal path of travel, consisting of the following criteria:</p> <ul style="list-style-type: none"> <li>- An unintended ¾-inch or greater vertical difference OR</li> <li>- An unintended 2-inch or greater horizontal separation that is perpendicular to the path of travel.</li> </ul>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is a trip hazard on a walking surface, then there may be an increased safety risk to the resident due to falls.</p> <p>Property management would be expected to ensure that staff understand how to identify if there is a trip hazard on a walking surface. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in safety hazards.</p>

**TABLE 59—VENTILATION STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	Means of supplying air to or removing air from a space.
<b>Location</b>	Unit: Primary kitchen, primary food preparation area, bathroom Inside: Kitchen, food preparation area, bathroom
<b>Deficiency 1 – Ventilation: Unit</b>	
<b>Deficiency</b>	Exhaust system does not respond to the control switch.
<b>Deficiency Criteria</b>	Exhaust system does not respond to the control switch.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the exhaust system does not respond to the control switch, then it may be unable to control indoor air quality, which may trigger respiratory issues. If the exhaust system does not respond to the control switch, then the resident may be unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice if the exhaust system does not respond to the control switch and to recognize it is important enough to report it to property management because it may present health hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in health hazards or usability barriers.</p>
<b>Deficiency 1 –Ventilation: Inside</b>	
<b>Deficiency</b>	Exhaust system does not respond to the control switch.
<b>Deficiency Criteria</b>	Exhaust system does not respond to the control switch.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If the exhaust system does not respond to the control switch, then it may be unable to control indoor air quality, which may trigger respiratory issues.</p> <p>If the exhaust system does not respond to the control switch, then the resident may be unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify if the exhaust system does not respond to the control switch. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may lead to health hazards and usability barriers.</p>
<b>Deficiency 2 –Ventilation: Unit</b>	
<b>Deficiency</b>	Exhaust system has restricted airflow.
<b>Deficiency Criteria</b>	Exhaust system is blocked such that airflow may be restricted.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the exhaust system is blocked such that airflow may be restricted, then it may be unable to control indoor air quality, which may trigger respiratory issues.</p> <p>If the exhaust system is blocked such that airflow may be restricted, then the resident may be unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice if the exhaust system is blocked such that airflow may be restricted and to recognize it is important enough to report it to property management because it may present health hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this defect because it may result in health hazards or usability barriers.</p>
<b>Deficiency 2 –Ventilation: Inside</b>	
<b>Deficiency</b>	Exhaust system has restricted airflow.
<b>Deficiency Criteria</b>	Exhaust system is blocked such that airflow may be restricted.

<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the exhaust system is blocked such that airflow may be restricted, then it may be unable to control indoor air quality, which may trigger respiratory issues.</p> <p>If the exhaust system is blocked such that airflow may be restricted, then the resident may be unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify if the exhaust system is blocked such that airflow may be restricted. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may lead to health hazards and usability barriers.</p>

### Deficiency 3 –Ventilation: Unit

<b>Deficiency</b>	Exhaust system component is damaged or missing.
<b>Deficiency Criteria</b>	<p>Exhaust system component is damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>Exhaust system component is missing (i.e., evidence of prior installation, but now not present or is incomplete).</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If an exhaust system component is damaged or missing, then it may be unable to control indoor air quality, which may trigger respiratory issues. If an exhaust system component is damaged or missing, then the resident may be unable to use a feature that is expected to be provided and maintained as part of their rent.</p>

A resident is likely to notice if an exhaust system component is damaged or missing and to recognize it is important enough to report it to property management because it may present health hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in health hazards or usability barriers.

### Deficiency 3 – Ventilation: Inside

<b>Deficiency</b>	Exhaust system component is damaged or missing.
<b>Deficiency Criteria</b>	Exhaust system component is damaged (i.e., visibly defective; impacts functionality).  OR  Exhaust system component is missing (i.e., evidence of prior installation, but now not present or is incomplete).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If an exhaust system component is damaged or missing, then it may be unable to control indoor air quality, which may trigger respiratory issues.</p> <p>If an exhaust system component is damaged or missing, then the resident may be unable to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff understand how to identify an exhaust system component that is damaged or missing. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this defect, because it may result in health hazards or usability barriers.</p>

### Deficiency 4 – Ventilation: Unit

<b>Deficiency</b>	Bathroom does not have proper ventilation or dehumidification.
<b>Deficiency Criteria</b>	Neither an exhaust fan, window, nor adequate means of ventilation or dehumidification is present and operable.
<b>Health and Safety Determination</b>	Moderate

<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If an operable exhaust fan, window, or adequate means of ventilation or dehumidification is not present, then this may increase interior moisture levels, which provides an environment favorable for mold growth and may trigger respiratory issues.</p> <p>A resident is likely to notice an exhaust fan, window, or adequate means of ventilation or dehumidification that is inoperable or not present and to recognize it is important enough to report it to property management because it may increase moisture levels within the unit, resulting in potential health hazards. Property management should be expected to prioritize a work order for an exhaust fan, window, or adequate means of ventilation or dehumidification that is inoperable or not present because it may result in health hazards.</p>

#### **Deficiency 4 – Ventilation: Inside**

<b>Deficiency</b>	Bathroom does not have proper ventilation or dehumidification.
<b>Deficiency Criteria</b>	Neither an exhaust fan, window, nor adequate means of ventilation or dehumidification is present and operable.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If an operable exhaust fan, window, or adequate means of ventilation or dehumidification is not present, then this may increase interior moisture levels, which provides an environment favorable for mold growth and may trigger respiratory issues.</p> <p>Property management would be expected to ensure that staff members understand how to identify an exhaust fan, window, or adequate means of ventilation or dehumidification that is inoperable or not present within the inside area. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy or repair the ventilation or dehumidification source, because it may increase moisture levels, resulting in potential health hazards.</p>

TABLE 60—WALL – EXTERIOR STANDARD

Definition and Location	
<b>Definition</b>	<p><u>Exterior wall</u>: The finished or unfinished surface that provides a vertical separation between the interior and exterior of the building and may provide security and privacy, sound proofing, and weather resistance.</p> <p><u>Wall covering</u>: Material such as siding or stucco used as a covering for exterior walls.</p> <p>Note: <i>Unfinished</i> within this standard refers to concrete masonry unit or poured concrete walls.</p>
<b>Location</b>	Outside: Exterior of the unit.
Deficiency 1 – Wall – Exterior: Outside	
<b>Deficiency</b>	Exterior wall covering has missing sections of at least 1 square foot per wall.
<b>Deficiency Criteria</b>	Cumulatively, 1 square foot or more of an exterior wall covering is missing (i.e., evidence of prior installation, but now not present or is incomplete).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If 1 square foot or more of an exterior wall cover is missing, and the building envelope has been compromised, then this may increase interior moisture levels, which provides an environment favorable for mold growth and may trigger respiratory issues.</p> <p>Property management would be expected to ensure that staff members understand how to identify if an exterior wall cover is missing. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in health hazards.</p> <p>If 1 square foot or more of an exterior wall cover is missing, and it is visible to a visitor, then the property may suffer reputational harm.</p>
Deficiency 2 – Wall – Exterior: Outside	
<b>Deficiency</b>	Exterior wall has peeling paint of 10 square feet or more.

<b>Deficiency Criteria</b>	Cumulatively, there is 10 square feet or more of peeling paint on an exterior wall built after 1978.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is 10 square feet or more of peeling paint on an exterior wall, and the building envelope has been compromised, then this may increase interior moisture levels, which provides an environment favorable for mold growth and may trigger respiratory issues.</p> <p>Property management would be expected to ensure that staff members understand how to identify peeling paint on an exterior wall. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in health hazards.</p> <p>If there is 10 square feet or more of peeling paint on an exterior wall, and it is visible to a visitor, then the property may suffer reputational harm.</p>

### Deficiency 3 – Wall – Exterior: Outside

<b>Deficiency</b>	Exterior wall component(s) is not functionally adequate.
<b>Deficiency Criteria</b>	Exterior wall component(s) is not functionally adequate (i.e., impacts the integrity of the wall assembly or building envelope, or does not allow exterior wall to separate the accommodation inside from that outside).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If an exterior wall component(s) is not functionally adequate, then the resident may be exposed to health hazards.</p> <p>If an exterior wall component(s) is not functionally adequate, then the resident may be exposed to safety hazards.</p> <p>Property management would be expected to ensure that staff members understand how to identify if an exterior wall component(s) is not functionally adequate. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in health and safety hazards.</p>
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**TABLE 61—WALL – INTERIOR STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A vertical surface that may define an area, and provide security, shelter, or sound proofing.
<b>Location</b>	<p>Unit: Dining room, living room, kitchen, bathroom, bedroom, closet, hallway, other interior space.</p> <p>Inside: Dining room, living room, kitchen, bathroom, closet, hallway, other interior space.</p>
<b>Deficiency 1 – Wall – Interior: Unit</b>	
<b>Deficiency</b>	Interior wall has a loose or detached surface covering.
<b>Deficiency Criteria</b>	Interior wall has a loose or detached surface covering.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the interior wall has a loose or detached surface covering, then the resident could be injured by falling debris.</p> <p>If the interior wall has a loose or detached surface covering, then the resident may be unable to fully rely on or use a feature that is expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice if the interior wall has a loose or detached surface covering and to recognize it is important enough to report it to property management because it may present safety hazards. Property</p>

management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards.

#### **Deficiency 1 – Wall – Interior: Inside**

<b>Deficiency</b>	Interior wall has a loose or detached surface covering.
<b>Deficiency Criteria</b>	Interior wall has a loose or detached surface covering.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the interior wall has a loose or detached surface covering, then the resident could be injured by falling debris.</p> <p>If the interior wall has a loose or detached surface covering, then the resident may be unable to fully rely on or use a feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify if the interior wall has a loose or detached surface covering. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p>

#### **Deficiency 2 – Wall – Interior: Unit**

<b>Deficiency</b>	Interior wall component(s) is not functionally adequate.
<b>Deficiency Criteria</b>	Interior wall component(s) is not functionally adequate (i.e., impacts the integrity of the interior wall or does not allow interior wall to provide vertical separation between rooms or spaces).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	If an interior wall component(s) is not functionally adequate, then the resident may be exposed to health hazards.

If an interior wall component(s) is not functionally adequate, then the resident may be exposed to safety hazards.

A resident is likely to notice if an interior wall component(s) is not functionally adequate and to recognize it is important enough to report it to property management because it may present health and safety hazards. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in health and safety hazards.

#### **Deficiency 2 – Wall – Interior: Inside**

<b>Deficiency</b>	Interior wall component(s) is not functionally adequate.
<b>Deficiency Criteria</b>	Interior wall component(s) is not functionally adequate (i.e., impacts the integrity of the interior wall or does not allow interior wall to provide vertical separation between rooms or spaces).
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If an interior wall component(s) is not functionally adequate, then the resident may be exposed to health hazards.</p> <p>If an interior wall component(s) is not functionally adequate, then the resident may be exposed to safety hazards.</p> <p>Property management would be expected to ensure that staff members understand how to identify if an interior wall component(s) is not functionally adequate. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in health and safety hazards.</p>

#### **Deficiency 3 – Wall – Interior: Unit**

<b>Deficiency</b>	Interior wall has a hole that is greater than 2 inches in diameter or there is an accumulation of holes that are cumulatively greater than 6 inches by 6 inches.
<b>Deficiency Criteria</b>	<p>A hole is greater than 2 inches in diameter.</p> <p>OR</p> <p>An accumulation of holes in any one wall that are cumulatively greater than 6 inches by 6 inches.</p>

<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If there is a hole that is greater than 2 inches in diameter or an accumulation of holes that are cumulatively greater than 6 inches by 6 inches, then the resident may be exposed to items behind the wall (e.g., insulation, lead dust, asbestos, wires) that may harm their health.</p> <p>If there is a hole that is greater than 2 inches in diameter or an accumulation of holes that are cumulatively greater than 6 inches by 6 inches, then the resident may be unable to fully use a feature (i.e., a wall without a hole) that is expected to be provided and maintained as part of their rent.</p> <p>If there is a hole that is greater than 2 inches in diameter or an accumulation of holes that are cumulatively greater than 6 inches by 6 inches, then it should be identified during routine maintenance activities and its presence may indicate that self-generated work orders are not being addressed.</p>

### Deficiency 3 – Wall – Interior: Inside

<b>Deficiency</b>	Interior wall has a hole that is greater than 2 inches in diameter or there is an accumulation of holes that are cumulatively greater than 6 inches by 6 inches.
<b>Deficiency Criteria</b>	<p>A hole is greater than 2 inches in diameter.</p> <p>OR</p> <p>An accumulation of holes in any one wall that are cumulatively greater than 6 inches by 6 inches.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If there is a hole that is greater than 2 inches in diameter or an accumulation of holes that are cumulatively greater than 6 inches by 6 inches, then the resident may be exposed to items behind the wall (e.g., insulation, lead dust, asbestos, wires) that may harm their health.</p> <p>If there is a hole that is greater than 2 inches in diameter or an accumulation of holes that are cumulatively greater than 6 inches by 6 inches, then the resident may be unable to fully use a feature (i.e., a wall without a hole) that is expected to be provided and maintained as part of their rent.</p> <p>If there is a hole that is greater than 2 inches in diameter or an accumulation of holes that are cumulatively greater than 6 inches by 6 inches, then it should be identified during routine maintenance activities and its presence may indicate that self-generated work orders are not being addressed.</p>
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**TABLE 62—WATER HEATER STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	A device designed to generate and store hot water for domestic use.
<b>Location</b>	<p>Unit: Mechanical rooms, mechanical closets, basements, under stairs, kitchens.</p> <p>Inside: Mechanical rooms, mechanical closets, basements, under stairs, kitchens.</p> <p>Outside: Back or side yard.</p>
<b>Deficiency 1 – Water Heater: Unit</b>	
<b>Deficiency</b>	Temperature pressure relief (TPR) valve has an active leak or is obstructed or relief valve discharge piping is damaged, capped, has an upward slope, or is constructed of unsuitable material.
<b>Deficiency Criteria</b>	<p>TPR valve has an active leak.</p> <p>OR</p> <p>TPR valve is obstructed such that the TPR valve is unable to be fully actuated.</p> <p>OR</p> <p>Relief valve discharge piping is damaged (i.e., visibly defective; impacts functionality), capped, has an upward slope, or is constructed of unsuitable material.</p>

<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the TPR valve has an active leak, is obstructed such that it is unable to be fully actuated, or the relief valve discharge piping is damaged, capped, has an upward slope, or is constructed of unsuitable material, and the water within the water heater reaches temperatures above its boiling point, then there may be an increased safety risk to the resident due to a rupturing water heater, which may result in injury.</p> <p>Property management would be expected to ensure that staff members understand how to identify a TPR valve that has an active leak, is obstructed such that it is unable to be fully actuated, or relief valve discharge piping that is damaged, capped, has an upward slope, or is constructed of unsuitable material. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p> <p>Water heaters should be checked during periodic property inspections, and according to industry best practices, should be included in a preventative maintenance plan. If the TPR valve has an active leak, is obstructed such that it is unable to be fully actuated, or the relief valve discharge piping is damaged, capped, has an upward slope, or is constructed of unsuitable material, then it may indicate preventative maintenance activities could be improved.</p>

#### **Deficiency 1 – Water Heater: Inside**

<b>Deficiency</b>	Temperature pressure relief (TPR) valve has an active leak or is obstructed or relief valve discharge piping is damaged, capped, has an upward slope, or is constructed of unsuitable material.
<b>Deficiency Criteria</b>	<p>TPR valve has an active leak.</p> <p>OR</p> <p>TPR valve is obstructed such that the TPR valve is unable to be fully actuated.</p> <p>OR</p>

	Relief valve discharge piping is damaged (i.e., visibly defective; impacts functionality), capped, has an upward slope, or is constructed of unsuitable material.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the TPR valve has an active leak, is obstructed such that it is unable to be fully actuated, or the relief valve discharge piping is damaged, capped, has an upward slope, or is constructed of unsuitable material, and the water within the water heater reaches temperatures above its boiling point, then there may be an increased safety risk to the resident due to a rupturing water heater, which may result in injury.</p> <p>Property management would be expected to ensure that staff members understand how to identify a TPR valve that has an active leak, is obstructed such that it is unable to be fully actuated, or relief valve discharge piping that is damaged, capped, has an upward slope, or is constructed of unsuitable material. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p> <p>Water heaters should be checked during periodic property inspections, and according to industry best practices, should be included in a preventative maintenance plan. If the TPR valve has an active leak, is obstructed such that it is unable to be fully actuated, or the relief valve discharge piping is damaged, capped, has an upward slope, or is constructed of unsuitable material, then it may indicate preventative maintenance activities could be improved.</p>

#### Deficiency 1 – Water Heater: Outside

<b>Deficiency</b>	Temperature pressure relief (TPR) valve has an active leak or is obstructed or relief valve discharge piping is damaged, capped, has an upward slope, or is constructed of unsuitable material.
<b>Deficiency Criteria</b>	<p>TPR valve has an active leak.</p> <p>OR</p> <p>TPR valve is obstructed such that the TPR valve is unable to be fully actuated.</p> <p>OR</p>

	Relief valve discharge piping is damaged (i.e., visibly defective; impacts functionality), capped, has an upward slope, or is constructed of unsuitable material.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the TPR valve has an active leak, is obstructed such that it is unable to be fully actuated, or the relief valve discharge piping is damaged, capped, has an upward slope, or is constructed of unsuitable material, and the water within the water heater reaches temperatures above its boiling point, then there may be an increased safety risk to the resident due to a rupturing water heater, which may result in injury.</p> <p>Property management would be expected to ensure that staff members understand how to identify a TPR valve that has an active leak, is obstructed such that it is unable to be fully actuated, or relief valve discharge piping that is damaged, capped, has an upward slope, or is constructed of unsuitable material. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p> <p>Water heaters should be checked during periodic property inspections, and according to industry best practices, should be included in a preventative maintenance plan. If the TPR valve has an active leak, is obstructed such that it is unable to be fully actuated, or the relief valve discharge piping is damaged, capped, has an upward slope, or is constructed of unsuitable material, then it may indicate preventative maintenance activities could be improved.</p>

#### Deficiency 2 – Water Heater: Unit

<b>Deficiency</b>	No hot water.
<b>Deficiency Criteria</b>	Hot water does not dispense after the handle is engaged.
<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days

<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If hot water does not dispense after the handle is engaged, then the resident cannot maintain personal hygiene, which may result in sickness.</p> <p>If hot water does not dispense after the handle is engaged, then the resident is unable to maintain household hygiene, including washing clothes and dishes, cleaning, etc.</p> <p>If hot water does not dispense after the handle is engaged, then the resident is unable to fully use a fixture that is expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice if hot water does not dispense after the handle is engaged and to recognize it is important enough to report to property management because it may present health and sanitary hazards. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in health and sanitary hazards.</p>
<b>Deficiency 2 – Water Heater: Inside</b>	
<b>Deficiency</b>	No hot water.
<b>Deficiency Criteria</b>	Hot water does not dispense after the handle is engaged.
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	<p>If hot water does not dispense after the handle is engaged, then the resident may not be able to fully use a fixture.</p> <p>Property management would be expected to ensure that staff members understand how to identify if hot water does not dispense after the handle is engaged. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in usability barriers.</p>
<b>Deficiency 3 – Water Heater: Unit</b>	
<b>Deficiency</b>	The relief valve discharge piping is missing or terminates greater than 6 inches or less than 2 inches from waste receptor flood-level.
<b>Deficiency Criteria</b>	<p>The relief valve discharge piping is missing (i.e., evidence of prior installation, but is now not present or is incomplete).</p> <p>OR</p>

	The relief valve discharge piping terminates greater than 6 inches or less than 2 inches from waste receptor flood-level.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the relief valve discharge piping is missing or terminates greater than 6 inches or less than 2 inches from waste receptor flood-level, there may be an increased safety risk to the resident of thermal burns, which may result in injury.</p> <p>Property management would be expected to ensure that staff members understand how to identify if the relief valve discharge piping is missing or terminates greater than 6 inches or less than 2 inches from waste receptor flood-level. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency as it may result in safety hazards.</p>

### Deficiency 3 – Water Heater: Inside

<b>Deficiency</b>	The relief valve discharge piping is missing or terminates greater than 6 inches or less than 2 inches from waste receptor flood-level.
<b>Deficiency Criteria</b>	<p>The relief valve discharge piping is missing (i.e., evidence of prior installation, but is now not present or is incomplete).</p> <p>OR</p> <p>The relief valve discharge piping terminates greater than 6 inches or less than 2 inches from waste receptor flood-level.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If the relief valve discharge piping is missing or terminates greater than 6 inches or less than 2 inches from waste receptor flood-level, there may be an increased safety risk to the resident of thermal burns, which may result in injury.</p> <p>Property management would be expected to ensure that staff members understand how to identify if the relief valve discharge piping is missing or terminates greater than 6 inches or less than 2 inches from waste receptor flood-level. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency as it may result in safety hazards.</p>
<b>Deficiency 3 – Water Heater: Outside</b>	
<b>Deficiency</b>	The relief valve discharge piping is missing or terminates greater than 6 inches or less than 2 inches from waste receptor flood-level.
<b>Deficiency Criteria</b>	<p>The relief valve discharge piping is missing (i.e., evidence of prior installation, but is now not present or is incomplete).</p> <p>OR</p> <p>The relief valve discharge piping terminates greater than 6 inches or less than 2 inches from waste receptor flood-level.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the relief valve discharge piping is missing or terminates greater than 6 inches or less than 2 inches from waste receptor flood-level, there may be an increased safety risk to the resident of thermal burns, which may result in injury.</p> <p>Property management would be expected to ensure that staff members understand how to identify if the relief valve discharge piping is missing or terminates greater than 6 inches or less than 2 inches from waste receptor flood-level. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency as it may result in safety hazards.</p>
<b>Deficiency 4 – Water Heater: Unit</b>	
<b>Deficiency</b>	Chimney or flue piping is blocked, misaligned, or missing.
<b>Deficiency Criteria</b>	Chimney or flue piping is blocked, misaligned, or missing (i.e., evidence of prior installation, but now not present or is incomplete).

<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the chimney or flue piping is blocked, misaligned, or missing, then the resident may be exposed to carbon monoxide leaks.</p> <p>A resident is likely to notice if the chimney or flue piping is blocked, misaligned, or missing and to recognize it is important enough to report to property management because it may present safety hazards. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in safety hazards.</p>

#### **Deficiency 4 – Water Heater: Inside**

<b>Deficiency</b>	Chimney or flue piping is blocked, misaligned, or missing.
<b>Deficiency Criteria</b>	Chimney or flue piping is blocked, misaligned, or missing (i.e., evidence of prior installation, but now not present or is incomplete).
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the chimney or flue piping is blocked, misaligned, or missing, then the resident may be exposed to carbon monoxide leaks.</p> <p>Property management would be expected to ensure that staff members understand how to identify if chimney or flue piping is blocked, misaligned, or missing. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this as it may result in safety hazards.</p>

#### **Deficiency 4 – Water Heater: Outside**

<b>Deficiency</b>	Chimney or flue piping is blocked, misaligned, or missing.
<b>Deficiency Criteria</b>	Chimney or flue piping is blocked, misaligned, or missing (i.e., evidence of prior installation, but now not present or is incomplete).

<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the chimney or flue piping is blocked, misaligned, or missing, then the resident may be exposed to carbon monoxide leaks.</p> <p>Property management would be expected to ensure that staff members understand how to identify if chimney or flue piping is blocked, misaligned, or missing. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this as it may result in safety hazards.</p>
<b>Deficiency 5 – Water Heater: Unit</b>	
<b>Deficiency</b>	Gas shutoff valve is damaged, missing, or not installed.
<b>Deficiency Criteria</b>	<p>Gas shutoff valve is damaged (i.e., visibly defective; impacts functionality).</p> <p>OR</p> <p>Gas shutoff valve is missing (i.e., evidence of prior installation, but is now not present or is incomplete).</p> <p>OR</p> <p>Gas shutoff valve is not installed (i.e., never installed, but should have been).</p>
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the gas shutoff valve is damaged, missing, or not installed and there is a need to shut off the gas, then there may be an increased safety risk to the resident of fire, which may result in injury or death.</p> <p>Property management would be expected to ensure that staff members understand how to identify a gas shutoff valve that is damaged, missing, or not installed. Management practices would be expected to assure prompt</p>

creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.

#### **Deficiency 5 – Water Heater: Inside**

<b>Deficiency</b>	Gas shutoff valve is damaged, missing, or not installed.
<b>Deficiency Criteria</b>	Gas shutoff valve is damaged (i.e., visibly defective; impacts functionality).  OR  Gas shutoff valve is missing (i.e., evidence of prior installation, but is now not present or is incomplete).  OR  Gas shutoff valve is not installed (i.e., never installed, but should have been).
<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the gas shutoff valve is damaged, missing, or not installed and there is a need to shut off the gas, then there may be an increased safety risk to the resident of fire, which may result in injury or death.</p> <p>Property management would be expected to ensure that staff members understand how to identify a gas shutoff valve that is damaged, missing, or not installed. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p>

#### **Deficiency 5 – Water Heater: Outside**

<b>Deficiency</b>	Gas shutoff valve is damaged, missing, or not installed.
<b>Deficiency Criteria</b>	Gas shutoff valve is damaged (i.e., visibly defective; impacts functionality).  OR  Gas shutoff valve is missing (i.e., evidence of prior installation, but is now not present or is incomplete).  OR  Gas shutoff valve is not installed (i.e., never installed, but should have been).

<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	24 hours
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the gas shutoff valve is damaged, missing, or not installed and there is a need to shut off the gas, then there may be an increased safety risk to the resident of fire, which may result in injury or death.</p> <p>Property management would be expected to ensure that staff members understand how to identify a gas shutoff valve that is damaged, missing, or not installed. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in safety hazards.</p>

**TABLE 63—WINDOW STANDARD**

<b>Definition and Location</b>	
<b>Definition</b>	Opening in a wall or roof of a building that is fitted with glass or other material.
<b>Location</b>	Unit: Throughout the Unit.  Inside: Throughout the Inside.  Outside: Throughout the Outside.
<b>Deficiency 1 – Window: Unit</b>	
<b>Deficiency</b>	Window will not open or stay open.
<b>Deficiency Criteria</b>	Window will not open.  OR  Once opened, window will not stay open without the use of a tool or item.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail

<b>Rationale</b>	<p>If a window does not open or stay open, then it may limit ventilation of interior spaces, which may affect indoor air quality and trigger respiratory issues.</p> <p>If a window will not open or stay open, then the resident may not be able to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice a window that will not open or stay open and to recognize it is important enough to report it to property management because it may present health hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in health hazards.</p>
<b>Deficiency 1 – Window: Inside</b>	
<b>Deficiency</b>	Window will not open or stay open.
<b>Deficiency Criteria</b>	<p>Window will not open.</p> <p>OR</p> <p>Once opened, window will not stay open without the use of a tool or item.</p>
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	<p>If a window will not open or stay open, then the resident may not be able to use a feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify a window that will not open or stay open. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in usability barriers.</p>
<b>Deficiency 2 – Window: Unit</b>	
<b>Deficiency</b>	Window cannot be secured.
<b>Deficiency Criteria</b>	Window cannot be secured (i.e., access controlled) by at least 1 installed lock.

<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the window cannot be secured, then the resident may be unable to control access to the property.</p> <p>If the window cannot be secured, then the resident may not be able to fully use a feature that is expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice if a window cannot be secured and to recognize it is important enough to report it to property management because it may present security hazards. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in security hazards.</p>

#### **Deficiency 2 – Window: Inside**

<b>Deficiency</b>	Window cannot be secured.
<b>Deficiency Criteria</b>	Window cannot be secured (i.e., access controlled) by at least 1 installed lock.
<b>Health and Safety Determination</b>	Low
<b>Correction Timeframe</b>	60 Days
<b>HCV Correction Timeframe</b>	N/A
<b>HCV Pass/Fail</b>	Pass
<b>Rationale</b>	Property management would be expected to ensure that staff members understand how to identify a window that cannot be secured by at least 1 installed lock. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency.

#### **Deficiency 3 – Window: Unit**

<b>Deficiency</b>	Window will not close.
<b>Deficiency Criteria</b>	The window will not close.

<b>Health and Safety Determination</b>	Severe
<b>Correction Timeframe</b>	24 hours
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the window will not close, then the resident may be exposed to environmental elements, which may result in illness.</p> <p>If the window will not close, there may be an increased safety risk to the resident of fall hazards, which may result in injury.</p> <p>If the window will not close, then the resident may be unable to control access to the property.</p> <p>If the window will not close, then resident may be unable to fully use a feature that is expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice a window that will not close and to recognize it is important enough to report it to property management because it may present health or security hazards, or usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in health or security hazards.</p>

### Deficiency 3 – Window: Inside

<b>Deficiency</b>	Window will not close.
<b>Deficiency Criteria</b>	The window will not close.
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If the window will not close, there may be an increased safety risk to the resident of fall hazards, which may result in injury.</p> <p>If the window will not close, then the resident may be unable to control access to the property.</p> <p>If the window will not close, then resident may be unable to fully use a feature that is expected to be provided and maintained as part of their rent.</p>

Property management would be expected to ensure that staff members understand how to identify a window that will not close. Management practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency because it may result in security hazards or usability barriers.

#### **Deficiency 4 – Window: Unit**

<b>Deficiency</b>	Window component is damaged or missing and the window is not functionally adequate.
<b>Deficiency Criteria</b>	<p>Any portion of a visually accessible (i.e., can be reasonably accessed and observed) window component is damaged (i.e., visibly defective) and the window is not functionally adequate (i.e., cannot protect from the elements, bugs, or debris, permit illumination within the interior space, or permit visual access between spaces).</p> <p>OR</p> <p>Any portion of a visually accessible (i.e., can be reasonably accessed and observed) window component is missing (i.e., evidence of prior installation, but is now not present or is incomplete) and the window is not functionally adequate (i.e., cannot protect from the elements, bugs, or debris, permit illumination within the interior space, or permit visual access between spaces).</p> <p>OR</p> <p>A visually accessible (i.e., can be reasonably accessed and observed) window screen has a hole, tear, or cut that is 1 inch or greater.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a window component is damaged or missing and the window is not functionally adequate, then the resident may be exposed to environmental elements, which may result in illness.</p> <p>If a window component is damaged or missing and the window is not functionally adequate, then the resident may be unable to fully use a feature that is expected to be provided and maintained as part of their rent.</p> <p>A resident is likely to notice if a window component is damaged or missing and the window is not functionally adequate, and to recognize it is important enough to report it to property management because it may</p>

present health hazards or usability barriers. Property management should be expected to prioritize a work order to remedy this deficiency because it may result in health hazards.

#### **Deficiency 4 – Window: Inside**

<b>Deficiency</b>	Window component is damaged or missing and the window is not functionally adequate.
<b>Deficiency Criteria</b>	<p>Any portion of a visually accessible (i.e., can be reasonably accessed and observed) window component is damaged (i.e., visibly defective) and the window is not functionally adequate (i.e., cannot protect from the elements, bugs, or debris, permit illumination within the interior space, or permit visual access between spaces).</p> <p>OR</p> <p>Any portion of a visually accessible (i.e., can be reasonably accessed and observed) window component is missing (i.e., evidence of prior installation, but is now not present or is incomplete) and the window is not functionally adequate (i.e., cannot protect from the elements, bugs, or debris, permit illumination within the interior space, or permit visual access between spaces).</p> <p>OR</p> <p>A visually accessible (i.e., can be reasonably accessed and observed) window screen has a hole, tear, or cut that is 1 inch or greater.</p>
<b>Health and Safety Determination</b>	Moderate
<b>Correction Timeframe</b>	30 days
<b>HCV Correction Timeframe</b>	30 days
<b>HCV Pass/Fail</b>	Fail
<b>Rationale</b>	<p>If a window component is damaged or missing and the window is not functionally adequate, then the resident may be exposed to environmental elements, which may result in illness.</p> <p>If a window component is damaged or missing and the window is not functionally adequate, then the resident may be unable to fully use a feature that is expected to be provided and maintained as part of their rent.</p> <p>Property management would be expected to ensure that staff members understand how to identify a window component that is damaged or missing and the window is not functionally adequate. Management</p>

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practices would be expected to assure prompt creation and prioritization of a work order to remedy this deficiency.

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**TABLE 64—AFFIRMATIVE HABITABILITY REQUIREMENTS**

<b>Inspectable Item</b>	<b>Location</b>	<b>Deficiency</b>
<b>Bathtub and Shower</b>	Unit	Bathtub or shower cannot be used in private.
<b>Cabinet and Storage</b>	Unit	Food storage space is not present.
<b>Carbon Monoxide Alarm</b>	Unit	Carbon monoxide alarm is missing, not installed, or not installed in a proper location.
	Inside	Carbon monoxide alarm is missing, not installed, or not installed in a proper location.
<b>Cooking Appliance</b>	Unit	Primary cooking appliance is missing.
<b>Electrical – Ground-Fault Circuit Interrupter (GFCI) or Arc-Fault Circuit Interrupter (AFCI) – Outlet or Breaker</b>	Unit	An unprotected outlet is present within six feet of a water source.
	Inside	An unprotected outlet is present within six feet of a water source.
	Outside	An unprotected outlet is present within six feet of a water source.
<b>Food Preparation Area</b>	Unit	Food preparation area is not present.
<b>Guardrail</b>	Unit	Guardrail is missing or not installed.
	Inside	Guardrail is missing or not installed.
	Outside	Guardrail is missing or not installed.
<b>Heating, Ventilation, and Air Conditioning (HVAC)</b>	Unit	The inspection date is on or between October 1 and March 31 and the permanently installed heating source is not working or the permanently installed heating source is working and the interior temperature is below 64 degrees Fahrenheit.
	Unit	The inspection date is on or between October 1 and March 31 and the permanently installed heating source is working and the interior temperature is 64 to 67.9 degrees Fahrenheit.
	Unit	Unvented space heater that burns gas, oil, or kerosene is present.
	Inside	Unvented space heater that burns gas, oil, or kerosene is present.
	Unit	The inspection date is on or between April 1 and September 30 and a permanently installed heating source is damaged, inoperable, missing, or not installed.
	Inside	The inspection date is on or between October 1 and March 31 and the permanently installed heating source is inoperable.
	Unit	At least one (1) permanently installed light fixture is not present in the kitchen and bathroom.

	Inside	At least one (1) permanently installed light fixture is not present in the kitchen and bathroom.
<b>Minimum Electrical and Lighting</b>	Unit	At least two (2) working outlets are not present within each habitable room. OR At least one (1) working outlet and one (1) permanently installed light fixture is not present within each habitable room.
<b>Refrigerator</b>	Unit	Refrigerator is missing.
<b>Sink</b>	Unit	Cannot activate or deactivate hot and cold water.
	Unit	Sink is missing or not installed within the primary kitchen.
<b>Smoke Alarm</b>	Unit	Smoke alarm is not installed where required.
	Inside	Smoke alarm is not installed where required.
<b>Toilet</b>	Unit	Toilet cannot be used in private.

**TABLE 65—HOTMA LIFE THREATENING CONDITIONS**

As described in the notice, HUD proposes to update to the list of life-threatening conditions included on the Housing Opportunity Through Modernization Act of 2016 Life-Threatening List (“HOTMA LT”) for the HCV and PBV programs. Within the standards, the HOTMA LT deficiencies include the following descriptions:

<b>Health and Safety Determination</b>	Life-Threatening
<b>Correction Timeframe</b>	24 hours, if occupied
<b>HCV Correction Timeframe</b>	24 hours, if occupied
<b>HCV Pass/Fail</b>	Fail

For occupied units where the family already has a voucher and is undergoing a periodic reexamination, deficiencies on the HOTMA LT list must be corrected within 24 hours. For new units proposed for the HCV program, HOTMA LT deficiencies must be resolved before the Housing Assistance Payment (HAP) contract is executed and the family moves into the unit. Other deficiencies included in the NSPIRE standards must be resolved within timelines established by the PHA administering the voucher, typically 30 days. Where NSPIRE deficiencies are not corrected within established timeframes, PHAs will be required to suspend, abate or terminate HAP to the landlord once the standards are final.

Inspectable Item	Deficiency
<b>Call-for-Aid System</b>	System is blocked, or pull cord is higher than 6 inches off the floor. System does not function properly.
<b>Carbon Monoxide Alarm</b>	Carbon monoxide alarm is missing, not installed, or not installed in a proper location. Carbon monoxide alarm is obstructed. Carbon monoxide alarm does not produce an audio or visual alarm when tested.
<b>Chimney</b>	A visually accessible chimney, flue, or firebox connected to a fireplace or wood-burning appliance is incomplete or damaged such that it may not safely contain fire and convey smoke and combustion gases to the exterior. Chimney exhibits signs of structural failure.
<b>Clothes Dryer Exhaust Ventilation</b>	Electric dryer transition duct is detached or missing. Gas dryer transition duct is detached or missing. Electric dryer exhaust ventilation system has restricted airflow. Dryer transition duct is constructed of unsuitable material. Gas dryer exhaust ventilation system has restricted airflow.
<b>Door - Entry</b>	Entry door is missing.
<b>Door - Fire Labeled</b>	Fire labeled door is missing.
<b>Egress</b>	Obstructed means of egress. Sleeping room is located on the 3rd floor or below and has an obstructed rescue opening. Fire escape is obstructed.
<b>Electrical - Conductor, Outlet, and Switch</b>	Outlet or switch is damaged. Exposed electrical conductor. Water is currently in contact with an electrical conductor.
<b>Electrical - Service Panel</b>	The overcurrent protection device is damaged.
<b>Exit Sign</b>	Exit sign is damaged, missing, obstructed, or not adequately illuminated.
<b>Fire Escape</b>	Fire escape component is damaged or missing.
<b>Fire Extinguisher</b>	Fire extinguisher pressure gauge reads over or under-charged. Fire extinguisher service tag is missing, illegible, or expired. Fire extinguisher is damaged or missing.
<b>Flammable and Combustible Items</b>	Flammable or combustible item is on or within 3 feet of an appliance that provides heat for thermal comfort or a fuel-burning water heater. OR Improperly stored chemicals.
<b>Guardrail</b>	Guardrail is missing or not installed. Guardrail is not functionally adequate.
<b>Heating, Ventilation, and Air Conditioning (HVAC)</b>	The inspection date is on or between October 1 and March 31 and the permanently installed heating source is not working or the permanently

	installed heating source is working and the interior temperature is below 64 degrees Fahrenheit.
	Unvented space heater that burns gas, oil, or kerosene is present.
	Combustion chamber cover or gas shutoff valve is missing from a fuel burning heating appliance.
	Fuel burning heating system or device exhaust vent is misaligned, blocked, disconnected, improperly connected, damaged, or missing.
<b>Leak - Gas or Oil</b>	Natural gas, propane, or oil leak.
<b>Mold-like Substance</b>	Presence of mold-like substance at extremely high levels is observed visually.
<b>Smoke Alarm</b>	Smoke alarm is not installed where required.
	Smoke alarm is obstructed.
	Smoke alarm does not produce an audio or visual alarm when tested.
<b>Sprinkler Assembly</b>	Sprinkler head assembly is encased or obstructed by an item or object that is within 18 inches of the sprinkler head.
	Sprinkler assembly component is damaged, inoperable, or missing and it is detrimental to performance.
	Sprinkler assembly has evidence of corrosion.
	Sprinkler assembly has evidence of foreign material that is detrimental to performance.
<b>Structural System</b>	Structural system exhibits signs of serious failure.
<b>Toilet</b>	Only 1 toilet was installed, and it is missing.
<b>Water Heater</b>	Chimney or flue piping is blocked, misaligned, or missing.
	Gas shutoff valve is damaged, missing, or not installed.